



CASHLESS TOLLING

DESIGN-BUILD PROJECT

TA 19-1, Contract No. D800002

REQUEST FOR QUALIFICATIONS

GENERAL INSTRUCTIONS

Date: August 21, 2018

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1.0 INTRODUCTION AND GENERAL INFORMATION

This Request for Qualifications (“RFQ”), issued by the New York State Thruway Authority (the “Authority” and “NYSTA”), seeks Statements of Qualifications (“SOQs”) from qualified firms (“Proposers”) interested in performing design, construction, quality control, construction inspection and other identified activities for the Project.

The Project involves Design-Build services for the Project as described in Appendix A.

This RFQ is issued pursuant to the Thruway Authority’s authorization under the Infrastructure Investment Act (the Act). The Act authorizes the Authority and other specified authorized State entities to use Design-Build contracts for capital projects related to the State’s physical infrastructure, subject to the requirements set forth in the Act. This RFQ will be the mechanism by which a short list of Design-Build Teams will be established (“Short-List”). At the Authority’s sole discretion, three (3) to five (5) Teams typically are selected for the Short-List.

The Authority seeks Proposers who are qualified and prepared in all respects to undertake the complete design and construction of the Project. SOQs will only be accepted from Proposers intending to provide all required services for the Project. The Authority will not consider responses from firms/Teams not offering to provide all required services.

This RFQ is the first step of a two-step best value procurement process. In order to be invited to proceed to the second step of the procurement process, which is responding to a Request for Proposals (“RFP”), a Proposer must provide a timely response to this RFQ and be on the Short-List for the Project as described herein.

1.1 ABBREVIATIONS AND DEFINITIONS

Refer to Appendix D for abbreviations and definitions of terms used in this RFQ.

1.2 PROJECT GOALS

The Authority’s general goals and objectives for the Project are to:

- 1) Ensure a long-service life for all Project elements to satisfy long term preservation goals.
- 2) Ensure the safety of the traveling public.
- 3) Maximize the impact of the public investment in the Project by:
 - a) Providing cost-effective solutions.
 - b) Sequencing construction to minimize effects on vehicular traffic operations;
 - c) Reducing future maintenance requirements - reducing future impacts to the traveling public while conducting maintenance activities or conducting inspection requirements of the final infrastructures and;
 - d) Minimizing impacts on the environment.
- 4) Deliver the Project safely, on schedule and within budget.
- 5) Ensure coordination with all utility owners, third parties and Project stakeholders and any adjacent construction projects.
- 6) Provide best value to the Authority.

- 7) Provide improved operational efficiencies in and around the project area(s).

1.3 ROLE OF THE AUTHORITY

In the context of the Project, the Authority is responsible for:

- A) Completing the environmental review and issuing appropriate determinations as may be required pursuant to the State Environmental Quality Review Act and possibly the National Environmental Policy Act; obtaining the appropriate environmental approvals and other permits as detailed in the RFP except those specifically assigned to the Design-Builder;
- B) Overall Project administration;
- C) Contract procurement and administration;
- D) Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of the Short-List and selection of the Best Value Design-Builder for the Project;
- E) Identification of the Authority's Designated Project Manager for the Project as the point of contact for all communication during the design and construction phase;
- F) Quality Assurance Oversight and audit of the Design-Builder's design and construction activities, including Quality Assurance and Verification Sampling and Testing;
- G) Independent Assurance;
- H) Providing information for inclusion in the RFP allowing Proposers to adequately prepare their Proposals;
- I) Providing, if necessary, for rights-of-way and easements identified in the RFP;
- J) Assisting in securing, if necessary, agreements with utility companies, utility owners and other third parties;
- K) Final acceptance of the Work and payment for Work performed; and
- L) MWBE or DBE program oversight and compliance review.

At the Authority's sole discretion, the Authority may use consultants, retained by the Authority, to fulfill one or more of the responsibilities noted in this Section 1.3 provided that the Authority will be responsible for overseeing the performance of any such consultants.

1.4 PROJECT DESCRIPTION, DESIGN-BUILDER RESPONSIBILITIES AND PROJECT STATUS

This RFQ is being issued concurrently with the process of development and review of the final scope of work for the Project. Any Work described herein is subject to adjustment as a result of the process.

Nothing contained in this RFQ is intended to modify, limit or otherwise constrain the process or commit the Authority or any other entity to undertake any action with respect to the Project, including selection of a Design-Builder or the design and construction of the Project.

A PLA is not required on this project. The Design-Builder may negotiate, on their own, a PLA if they believe such an action provides their team benefits.

Refer to Appendix A for a description of the Project and information regarding the Proposer's responsibilities and other information regarding the status of the Project.

1.5 PROJECT SCHEDULE

The anticipated Project Schedule is described in Appendix A. This Project Schedule is tentative and subject to change at the sole discretion of the Authority.

1.6 CONTRACT TYPE

The Contract will be a fixed-price, lump sum Design-Build contract.

1.7 PAYMENT AND LIQUIDATED AND/OR GENERAL DAMAGES

The Contract will provide for a method of periodic payments. A description of the method of periodic payment will be provided in the RFP.

The Contract may include provisions for the assessment of liquidated damages for failure to meet interim milestones, deadlines or other provisions. If so, details will be provided in the RFP.

1.8 GOVERNING LAW

The laws of the United States and the State of New York govern the RFQ, RFP and the Contract.

1.9 QUALITY ASSURANCE/QUALITY CONTROL

The Design-Builder will be required to plan, implement, and provide a Quality Control Plan for both design and construction.

The Design-Builder's Quality Control Plan must follow the requirements of 23 CFR Part 637 and the Contract Documents. In addition, the Design-Builder's Quality Control Plan shall follow the Design and Construction Quality Control Plan Format provided in the RFP. The Authority will review and approve the Design-Builder's Quality Control Plan to assure that it meets the guidelines and minimum requirements established by the Authority. The Design-Builder shall maintain ownership of the Plan, shall be fully responsible for its execution, and shall maintain sole responsibility for the quality of the Work. As part of the acceptance procedure, the Authority will conduct verification sampling and testing of material as well as conduct audits, in-depth inspections, and reviews of Work to ensure workmanship, and that in-process and completed Work, meets contract requirements.

The Design-Builder will be required to have, as part of the Design-Build Team, a Quality Manager who will be responsible for the oversight of the preparation of the Quality Control Plan, and direct supervision of the implementation of the Quality Control Plan, and for ensuring its compliance for both design and construction. This individual shall be a direct report to senior management of the Design-Builder, and will not directly report to the Design-Builder's Project Manager.

For design the Quality Manager shall ensure that the design firm on the Design-Build Team implements the quality control procedures specified in the Design-Builder's approved Quality Control Plan for design activities.

For construction, the Design-Builder will be required to have, as part of the Design-Build Team, a Professional Engineering Firm to perform Construction Inspection, and a Materials Testing Firm or Laboratory to sample and test materials as specified in the approved Quality Control Plan and/or as required by the project specifications. The Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory may be the same company or separate companies, but in either case, the Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory must be independent of the Designer(s), Constructor(s) and/or any of the Principal Participants or any party with an equity interest, that are included in the Proposer's proposed team. In addition, the Professional Engineering Firm performing Construction Inspection and the Materials Testing Firm or Laboratory shall not have an equity interest in the Design-Build Team.

The Professional Engineering Firm performing Construction Inspection will be required to inspect all construction operations and perform construction quality control of the Design-Builder for conformance to the Design-Build plans, specifications, the Quality Control Plan and the Contract requirements. They will also act as a field review component during design and construction as plans are being developed to ensure that the plans and specifications the Designer is providing are constructible for the conditions found in the field. The Professional Engineering Firm's inspection, measurement, and testing activities must adhere to, and be in accordance with, all of the requirements set forth in the applicable Authority and/or New York State Department of Transportation ("NYSDOT") Policies, manuals, engineering bulletins, engineering instructions, the Contract documents, and the Quality Control Plan.

Unless otherwise modified in the RFP, the Authority will furnish at its own expense, off-site Quality Assurance, including, inspections and testing of steel, cement, asphalt, concrete and asphalt aggregates, concrete sewer and drainage pipe, and such other materials as are customarily tested by Authority forces or by separate contracts. Those items that will be tested by the Authority will be described in the RFP.

The Materials Testing Firm or Laboratory shall report to and support the Construction Inspection Professional Engineering Firm.

The Construction Inspection Professional Engineering Firm shall report to the Design-Build Quality Manager and shall coordinate with the Authority's Quality Assurance Engineer.

The Professional Engineering Firm providing construction inspection will enforce the specifications and identify in a timely manner local conditions, methods of construction, errors on the plans, or defects in the work or materials which would conflict with the quality of work required, or compromise the successful completion of the project.

All records must be kept in accordance with the Manual of Uniform Record Keeping (MURK) and the Contract requirements. The Construction Inspection Professional Engineering Firm must take all measurements and collect all other pertinent information necessary to prepare a project diary describing the progress of the work, specific problems encountered, daily inspection reports, survey notes, photographic and video records of various phases of construction, and other pertinent data, records and reports which may be required by MURK or the Contract. The Construction Inspection Professional Engineering Firm will be required to prepare the above mentioned project diary and daily inspection reports.

The Authority will establish and maintain its own Quality Assurance organization and/or utilize an independent Quality Assurance organization to conduct verification sampling and testing on material testing, oversee and/or perform quality audits, in-depth inspections of the Design-Builder's management, design, construction and any other Project activities, the Design-

Builder's Quality Control procedures and verify the quality of the final product. The Authority may utilize independent Consultants to perform design and/or construction Quality Assurance of the Design-Builder's Work.

If the Authority should process solicitations for design and/or construction Quality Assurance contracts, a Firm may be included in proposals for the Design-Build contract and submit proposals for the Quality Assurance contracts. However, any Firm that is on the selected Design-Build Team will automatically be removed from consideration for the Quality Assurance contracts.

No Construction shall begin nor shall payments be made before the Design-Builder's Quality Control Plan is approved by the Authority.

1.10 INSURANCE, BONDING, LICENSING AND SECURITIES

Details regarding insurance requirements for the selected Proposer will be specified in the RFP. The Authority will require the selected Proposer to provide evidence of insurance by certified copy of complete policy or policies endorsed.

Each Proposer submitting a Proposal will be required to provide a Proposal Bond or other form of security acceptable to the Authority, as specified in the RFP. The selected Proposer will be required to provide Performance and Payment Bonds and/or other security acceptable to the Authority as provided in the RFP.

Prior to Contract execution, all Persons participating in the procurement and/or the Contract must obtain all certificates of authorization, licenses and permits and take all necessary steps to conduct business in the State of New York and perform the Work required under the Contract, including proposing and carrying out a contract consistent with the laws of the State of New York.

The Authority may require the Design-Builder to provide a number of other commitments including, where applicable:

- A) Guarantees of parent companies and/or Principal Participants;
- B) Statements of joint and several liability by the Proposer's joint venture members; and
- C) Warranties.

1.11 RULES OF CONTACT

The following rules of contact shall apply during the Contract procurement process, which began upon issuance of the LOI and will be completed with the execution of the Contract. The rules are designed to promote a fair, unbiased, legally defensible procurement process. Contact includes face-to-face, telephone, e-mail or formal written communication.

The specific rules are as follows:

- A) Potential responders are advised that under New York State Finance Law Section 139-j, communication on procurements can be made only with designated contact persons. The Authority's Designated Representative for this procurement is specified in Appendix A.

The Authority's Designated Representative shall be the Authority's single point of contact and source of information for this procurement;

- B) Neither a Proposer nor any of its team members may communicate with another Proposer nor members of another Proposer's team with regard to the Project or the SOQ or the Proposals. Relative to the RFQ/SOQs, a Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, provided that each Proposer has obtained a writer certification from the Subcontractor that the Subcontractor will not act as a conduit of information (Form CID) between the teams. Regarding the RFP/Proposals, subject to the limitations in the ITP Section 1.8.3 of the RFP, a Proposer may communicate with a Subcontractor that is on both its team and another Proposer's team, provided that each Proposer has obtained a written certification from the Subcontractor that the Subcontractor will not act as a conduit of information (Form CID) between the teams.
- C) Contact between each Proposer and the Authority (questions and responses to questions) shall be through only the Authority's Designated Representative;
- D) Unless otherwise specifically authorized by the Authority, or in this RFQ, a Proposer may contact the Authority only through the Authority's Designated Representative and only in writing by e-mail. The Proposer's contacts with the Authority shall only be through a single representative authorized to bind the Proposer;
- E) Communications between a Proposer and the Authority's team of staff and consultants is allowed during any joint workshops and meetings organized by the AUTHORITY;
- F) Neither a Proposer nor its agents may contact employees of the Authority or consultants under contract with the Authority for this Project, including staff members, members of any SOQ evaluation committee and any other person who will evaluate SOQs, regarding the Project, except through the process identified above;
- G) Any contact by a Proposer determined to be improper may result in disqualification of the Proposer and result in any other remedy under the Procurement Lobbying Law.
- H) The Authority will not be responsible for or bound by: (1) any oral communication, or (2) any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the Authority's Designated Representative.
- I) Neither a Proposer nor its agents may contact any Federal or State official, or stakeholder staff regarding the Project. Stakeholder staff includes employees of:
 - 1) FHWA; and
 - 2) State and federal agencies engaged in the Project or otherwise having jurisdiction over the Project.

Information regarding the Project will be posted on the Authority's Project web site.

Proposers are advised to monitor the web site regularly. The Authority is not obligated to notify potential proposers of posted information, including Addenda, to the RFQ and/or the RFP.

1.12 PROPOSER QUESTIONS

The Authority will consider questions submitted in writing (e-mail) by Proposers regarding the RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted in writing by e-mail to the Authority's Designated Representative.

Only written requests by e-mail will be considered. No oral requests will be accepted. No requests for additional information or clarification to any other Authority office, Consultant, employee or the FHWA will be considered. All responses to Proposer questions on the RFQ will be disseminated only by posting on the Authority's web site. Responses will not indicate which Proposer raised particular questions. Responses to questions will not be mailed out.

Only questions received by 12:00 P.M. (Noon) Eastern Time on the date specified in Appendix A will be addressed.

Questions must include the requestor's name, address, telephone number and e-mail address, and the Proposer that he/she represents.

For the sake of clarity, the Authority may consolidate or rewrite questions, and may post multiple sets of questions and answers. The last responses will be posted on the Authority's web site on the date indicated in the procurement schedule in Appendix A.

1.13 RFQ ADDENDA

If necessary, the Authority will issue addenda to modify conditions or requirements of this RFQ. Addenda will be disseminated only by posting on the Authority's web site. Addenda will not be mailed out. Proposers are advised to visit the Authority's web site regularly to check for addenda. The final addendum will be posted on the Authority's web site not later than seven (7) calendar days prior to the SOQ Due Date. If an additional addendum is required within seven (7) days of the SOQ due date, the SOQ Due Date shall be revised such that there will be seven (7) days or greater from the final addendum to the SOQ due date.

It is anticipated that the Authority may also use the Authority's web site to present general market-related inquiries and to receive replies to these inquiries from industry practitioners. These general questions-and-answers would not form part of the SOQ process for the Project, and any replies received would not be included within the SOQ evaluation for any Proposer.

1.14 NOTIFICATION OF FIRMS ON THE SHORT-LIST

Each Proposer will be notified officially in writing whether or not it has been selected for the Short-List. The Short-List will be posted on the Authority's web site after all short-listed firms have been notified. Notifications may be expected no later than the date specified in Appendix A.

1.15 COSTS

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including preparing an SOQ, attending any briefing(s), workshop(s) or meeting(s), and/or providing supplemental information.

1.16 ORGANIZATIONAL AND CONFIDENTIALITY REQUIREMENTS

Only prospective Proposers who are capable of completing the Project in its entirety will be considered eligible to be included on the Short-List; and the Proposer organizations, including Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory(Laboratories), and Key Personnel identified in the SOQs submitted by Proposers must remain intact for the duration of the

procurement process and the subsequent Contract. A shortlisted Proposer may propose substitutions for participants; however, such changes will require written approval by the Authority. Approval may be granted or withheld in the Authority's sole discretion. During the RFP phase, requests for changes to the Proposer's organization must be made in writing no later than the date listed in the procurement schedule in the RFP Instructions to Proposers. Requests by shortlisted Proposers for changes in any of the Principal Participants or Design-Build Team will be particularly scrutinized. The Proposer should carefully consider the make-up of its team, prior to the submittal of the SOQ, to reduce the likelihood of occurrence of any such changes during the Proposal period and throughout the term of the Contract.

The Key Personnel identified in the Statement of Qualifications (SOQs) have standing both in qualifying the team for the Short-List and in contributing to the Team's Quality Evaluation Factor score in the evaluation of their Project proposal, which could lead to their Selection of Best Value Proposal. Therefore, it is imperative that the Key Personnel remain intact not only throughout the procurement process, but for the duration of the Project until Project Completion. Failure to maintain Key Personnel, identified in a Proposer's Proposal, throughout the duration of the Project shall result in a Key Personnel Change Assessment Fee in the amount of \$50,000 for each Key Personnel position substitution, regardless of whether the Authority accepts the alternate personnel as equal or better.

The Key Personnel identified in the SOQs are considered important to the success of the Project. Individuals serving in certain Key Personnel positions cannot serve the same or even different Key Personnel positions on other ongoing Authority Design-Build projects. The Design Manager and the Quality Manager positions identified in this RFQ are two such positions. Additional restricted Key Personnel positions may be identified in the RFP. These restricted Key Personnel positions shall not serve on more than one ongoing Authority Design-Build Project at the same time. Proposers shall not include the names of individuals associated with the Design Manager and Quality Manager in their SOQ if they have been included as any Key Personnel position in the SOQs or Proposals for any other Authority Design-Build project(s) that will be ongoing at the same time. Similarly, Proposers shall not include the names of individuals associated with these two Key Personnel positions if they are currently serving as any Key Personnel position on any other Authority Design-Build Project(s). If unsuccessful in being short-listed, or unsuccessful in being selected as Best Value, or if for the Quality Manager, the Design-Build project has completed its construction work, or for the Design Manager if the Design-Build project has completed 75% of final design work (accepted by the Authority) at time of SOQ submission; then those Key Personnel are available for other Design-Build solicitations. Confirmation of such completion of either construction work and/or final design work has to be verified by the existing Authority's Project Manager for that project. This information shall be provided by the Proposers to the designated representative at time of SOQ submission. Proposers, who fail to comply with these restrictions risk being disqualified from this procurement.

Proposers that make changes to the Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory (Laboratories), or Key Personnel identified in the SOQs without Authority approval may be disqualified from the Contract.

Design-Builders should be aware that the four Key Personnel positions identified in the RFQ shall be carried forward to the RFP. The scoring of those Key Personnel positions in the evaluation of the SOQ will likewise carry forward in the scoring of those four Key Personnel positions in the Proposals submitted from the shortlisted firms. The scoring of those Key Personnel will not be altered for those four positions, even if the shortlisted firm(s) have proposed and received Authority approval for substitution of one or more participants that meet the required equal or better requirement for change in Key Personnel.

1.17 PROPOSAL STIPEND

The Authority will provide payment of a stipend to Proposers on the Short-List who submit a Proposal in response to the RFP, subject to certain stipulations. The Proposer selected for contract award will not be eligible for such payment. Details and a sample contract will be provided in the RFP. No Proposer will be obliged to accept an offer of a stipend. Any Proposer that declines to accept payment of a stipend will be required to sign a waiver to its right to payment. The amount of the stipend is included in the RFQ, Appendix A.

1.18 BUY AMERICA

The Project is subject to Buy America policies, including New York State Public Authorities Law § 2603-a which require a domestic manufacturing process for all steel or iron products that are permanently incorporated into a public works contract, including a highway or bridge construction project. The regulations permit a minimal use of foreign steel and iron in the amount of \$2,500 or one-tenth of one percent, whichever is greater, to be used in the Project. At a Proposer's request, the Authority may, but will not be obligated to, seek a waiver of Buy America requirements if grounds for such waiver exist. The Proposer will be required to comply with the applicable Buy America requirements unless such waiver is sought and granted. The RFP will require Proposers to provide appropriate certifications regarding compliance with Buy America requirements.

1.19 IRAN DIVESTMENT ACT OF 2012 – SECTION 2879-C OF THE PUBLIC AUTHORITIES LAW

Pursuant to State Finance Law § 165-a (3) (b), the Commissioner of the Office of General Services (OGS) has developed and maintains a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). The list may be found on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>

By submitting a Proposal in response to the RFP or by assuming the responsibility of a Contract awarded hereunder, the Proposer (or any assignee) certifies that, it will not utilize, on such Contract, any subcontractor that is identified on the prohibited entities list.

Additionally, any Design-Builder seeking to renew or extend a Contract or assumes the responsibility of a Contract awarded in response to this solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list, and are that any party (Designers, Contractors, Construction Inspection Firms, and Material Testing Firms are also not on the prohibited entities list.

During the term of the Contract, should the Authority receive information that a Design-Builder (or any assignee) is in violation of the above-referenced certification, the Authority will offer the Design-Builder (or any assignee) an opportunity to respond. If the Design-Builder (or any assignee) fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Authority shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Design-Builder in default.

The Authority reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

1.20 RFQ QUESTIONS AND ANSWERS

Interested parties may forward questions to the Authority's Designated Representative at any time after posting of the RFQ, but questions must be submitted no later than the date specified in the Procurement Schedule included in Appendix A.

2.0 PROCUREMENT PROCESS

2.1 OVERALL PROCUREMENT PROCESS

The process for procurement of the Contract will use best value as a basis of selection. The Authority intends to award the Contract to the Proposer who provides the Proposal with the best combination of price and quality factors.

The procurement process will include two steps:

- A) RFQ (Determination of Short-List); and
- B) RFP (Selection of Design-Builder from Proposers on the Short-List who submit Proposals).

2.1.2 RFQ

The purpose of the RFQ is to allow the Authority to determine the Short-List of Proposers that will be invited to submit Proposals for the Project. In order to be eligible for evaluation, SOQs submitted in response to this RFQ must include information addressing each pass/fail and quality evaluation factors identified herein. Refer to Section 4.0 for SOQ submittal requirements and evaluation factor objectives and requirements.

2.1.3 RFP

The purpose of the RFP is to allow the Authority to select the Design-Builder whose Proposal offers the Best Value for the Project. The RFP will provide specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation and the evaluation rating guidelines for the RFP step of the procurement. The RFP will initially be issued as a draft, with the intent of engaging the Proposers on the Short-List in its review before finalization.

For informational purposes, and team building purposes, the following summarizes elements of the RFP evaluation and proposal package as currently anticipated by the AUTHORITY:

- A) Evaluation factors for each RFP may include, but not be limited to:
 - 1) Pass/Fail:
 - a) Legal (including compliance with state licensing requirements);
 - b) Financial (review of updated financial documentation, surety commitments, etc.);
 - c) Administrative (responsiveness of the Proposal);
 - d) Diversity Compliance; and
 - e) Price Proposal (including provision of Proposal Bond).

- 2) Quality (these factors may also include sub factors):
 - a) Design-Build Organization and Process
 - Key Personnel_The Authority anticipates the inclusion of the following key personnel as evaluation factors in the RFP:
 - i. *Lead Structural Engineer
 - ii. *Lead Civil Engineer
 - iii. *Lead Geotechnical Engineer
 - iv. *Quality Manager
 - v. *Design Manager
 - vi. *Project Manager
 - vii. *Supervisor of Resident Engineers
 - viii. *Resident Engineers

 - Overall Design-Build Team Organization
 - i. *Design-Build Team Organizational Chart
 - ii. *Design-Build Team Communication Protocol
 - iii. *Initial Quality Control Plan
 - b) Design-Build Approach to the Project (Technical Solutions)
 - Project Understanding
 - Design-Build Design Approach
 - Design-Build Construction Approach (Means and Methods)
 - c) Schedule
 - CPM Schedule
 - Project Completion/Interim Milestone
 - Gantt Chart

3) Price

- B) Information to be submitted in the Proposals shall include, but not be limited to:
- 1) The roles and responsibilities of the Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s) and the Materials Testing Firm(s) or Laboratory (Laboratories); and their relationships in the organization;
 - 2) Legal documents demonstrating ability to enter into a Contract with the Authority;
 - 3) Proposal Bond;
 - 4) Specified certificates and representations;
 - 5) Description of the Design-Build Organization Structure and Communication, with emphasis on managing and producing a quality Project, including: team organization structure, team communication protocol, and initial quality control plan.

- 6) Design-Build Approach with emphasis on innovations (as appropriate), including: design and construction approaches, proposed materials, quality, durability and maintainability, etc... Knowledge of the complexities and potential risks associated with the project;
- 7) Schedule, with emphasis on expediting construction and minimizing disruptions to the travelling public, including: design and construction activities, critical path, construction staging, detours and activity durations;
- 8) Affirmative commitment to provide the identified Key Personnel;
- 9) A Price Proposal;
- 10) Any specified design documents and conceptual diagrams/sketches; and

While price is an important factor in the RFP step of the procurement, quality factors will also be significant in determining the best value for the success of the Project. The RFP requirements and evaluation and selection procedures are designed to allow the Authority to conduct a comprehensive evaluation of deliverability, the quality in addition to considering the price offered, thus allowing the Authority to determine which Proposal is the best value. At the end of the evaluation of the Proposals, the Authority will perform an assessment of the price and the quality factors and shall identify the Proposer that has offered the most advantageous (best value) Proposal. The Authority reserves the right to request revised Proposals following initial evaluations. The evaluation process will be described in more detail in the RFP.

The description of RFP terms and conditions contained herein, including the anticipated scope of services, evaluation factors and submittal requirements, is preliminary and subject to modification in the RFP at the sole discretion of the Authority.

2.2 PROCUREMENT SCHEDULE

The anticipated procurement schedule is shown in Appendix A. This Project Schedule is tentative and subject to change at the sole discretion of the Authority.

3.0 EVALUATION PROCESS FOR THE SOQ

3.1 EVALUATION OBJECTIVES

The objective of the RFQ step of the procurement is to create a Short-List of the most highly qualified Proposers with the general capability (quality, financial and management), capacity and experience necessary to successfully undertake and complete the Work for the Project. The Design-Builder will have primary responsibility to plan, design, construct, manage and control the Project and to complete the Project on or ahead of schedule and on or under the Contract price. The Authority expects high responsibility standards of the Design-Builder and this is reflected in the quality evaluation factors of this RFQ and will be reflected in the RFP and the Contract.

3.2 REVIEW AND EVALUATION OF THE SOQ

The information submitted in accordance with the RFQ will be evaluated in accordance with both the pass/fail factors listed in Section 3.3.1 and the quality evaluation factors provided in Section 3.3.2. These evaluation factors are further defined in Section 4.4.2.

Evaluation of the SOQs will be based on information submitted in the SOQs or otherwise available to the Authority and will involve both pass/fail and quality evaluation factors. Evaluation of the Proposals will be based on information submitted in the Proposals or otherwise available to the Authority and will involve both pass/fail and a combination of price and quality evaluation factors. Proposers should note that both the SOQ and Proposal must be self-contained, i.e. all of the information necessary to make a complete and comprehensive evaluation must be contained within the Proposer's SOQ and Proposal. Proposers should not assume that any Authority staff that will be involved in the evaluation of the SOQs or Proposals will have general knowledge of the firms or its Key Personnel.

3.3 EVALUATION FACTORS FOR THE RFQ PHASE

The Authority has identified the following factors and/or sub-factors that are of particular importance to the Authority. This information is provided here to assist Proposers in organizing their teams and preparing their SOQ.

3.3.1 Pass/Fail Evaluation Factors

A) The pass/fail evaluation factors are:

- 1) Legal: The Proposer has presented evidence showing its organization has the legal ability to enter into and perform the Contract to design and build the Project and comply with state licensing requirements;
- 2) Financial: The Proposer has demonstrated its ability to provide required bonds, Insurance, and acceptable guarantees, and to meet other financial requirements of undertaking and completing the Work;
- 3) Backlog and Capacity: The Proposer has the capacity to successfully complete the design and construction of the Project, considering current, committed and potential workload;
- 4) Responsiveness to the RFQ: The SOQ does not deviate from the RFQ requirements in any material respect; and
- 5) Vendor Responsibility: To identify Proposers with firms and/or personnel with a history of financial, legal, integrity, or performance issues that could adversely impact the Project generally.

B) Pass/Fail ratings will be based on the following criteria:

- 1) Demonstrated capability to enter into a contractual relationship with the Authority and a declaration of willingness to do so;
- 2) Demonstrated capability to provide required bonds and guarantees and to meet other financial requirements of undertaking and completing the Work;
- 3) Demonstrated capacity to successfully complete the design and construction of the Project, considering current, committed and potential workload;
- 4) Proper identification of all Principal Participants, Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), as well as the Materials Testing Firm(s) or Laboratory(Laboratories);
- 5) Determination that all firms identified in the SOQ are responsible vendors; and

- 6) Proper submittal of the required information per the requirements of the RFQ.

If a Proposer passes all pass/fail evaluations, its SOQ will be further evaluated using the factors for quality rating detailed in Section 3.3.2. If a Proposal fails any single pass/fail requirement resulting in a Deficiency, the SOQ will be declared unacceptable, the quality factors will not be rated, and the Proposer will not be included on the Short-List.

3.3.2 Quality Evaluation Factors

The quality evaluation factors to be evaluated in the SOQs are:

- A) Organization and Key Personnel;
- B) Experience of the Firms;
- C) Past Performance and
- D) Demonstration, through initial approach and geographical representation of how the Design-Build Team will utilize resources to logistically deliver the statewide effort.

The relative weights of the quality evaluation factors are included in Appendix A.

During this evaluation, ratings will be assigned for various sub-factors (see Section 4.4.2) within each quality evaluation factor. The ratings assigned to each sub-factor will be compiled to determine an overall quality evaluation factor rating. The ratings assigned to the quality evaluation factors will be compiled to determine an overall quality rating for the SOQ.

3.4 REQUESTS FOR CLARIFICATION BY THE AUTHORITY

The Proposer shall provide accurate and complete information to the Authority. If information is not complete, the Proposer's SOQ can be considered non-responsive. If the information provided requires clarification, the Authority will notify the Proposer and request that the clarification be submitted within 24 hours or a time deemed appropriate by the Authority. Proposers must submit follow-up responses to inquiries by the Authority. Responses shall be submitted to the Authority's Designated Representative by e-mail no later than the deadline specified in the Authority's request for clarification. Proposers will not be allowed to participate further in the procurement of the Project until all information required is provided. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by the Authority with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected documents. If a response is not provided, within the time frame specified by the Authority, the SOQ may be declared non-responsive.

The Authority may waive technical irregularities in the form of the SOQ that do not alter the quality or quantity of the information provided.

The Authority may, at its sole discretion, request clarifications from Proposers during the SOQ evaluation and Short-List process.

All requests and responses shall be in writing by e-mail. Responses shall be limited to answering the specific information requested by the Authority.

The Authority does not anticipate conducting interviews during the RFQ phase, but reserves the right to do so. If the Authority elects to conduct interviews, the Proposers shall be notified in writing or by email.

In the event that a material error is discovered in the RFQ during the SOQ evaluation process, the Authority will issue an addendum to the RFQ and provide all Proposers an opportunity to submit either a new or a revised SOQ based upon the corrected RFQ.

3.5 DETERMINATION OF THE SHORT-LIST

The Authority will establish a Short-List for the Project, of an appropriate number (as determined by the Authority at its sole discretion) of the most highly qualified Proposers in order to ensure adequate competition (typically a minimum of three (3) and a maximum of five (5)).

3.6 SHORT-LIST PROTEST

The Authority's decision of the Proposers to be included on the Short-List shall be final and shall not be appealable, reviewable or reopened in any way, except as provided in Section 5.0. Persons and entities participating in the RFQ phase of this procurement shall be deemed to have accepted this condition and other requirements of this RFQ.

Subject to applicable New York law, contents of SOQs, less proprietary information, to the extent protected under applicable New York State law, will become public information upon execution of the Contract.

4.0 REQUIREMENTS OF SOQ SUBMISSION

4.1 SUBMITTAL REQUIREMENTS

All SOQs must be received at the Authority's submittal address no later than 12.00 pm (Noon) Eastern Time (ET) on the SOQ Due Date specified in Appendix A.

The front cover of the SOQs must be clearly marked with the Project name, Proposer name, and date of submittal, and enclosed in one or more sealed containers. SOQs received after 12:00 pm (ET) on the SOQ Due Date will not be considered, consistent with State law requirements.

Where multiple containers are used by a Proposer to submit an SOQ, the Proposer shall label each container "Package # of ##" where # denotes the number of the container, and ## denotes the total number of containers being submitted by the Proposer.

4.2 SUBMITTAL ADDRESS

Submittals shall be submitted by either mail or hand delivered to the Authority's Designated Representative at the address shown in Appendix A.

Each Proposer shall be responsible for obtaining a written receipt, appropriate to the means of delivery, from the Authority office specified in this Section 4.2, at time of delivery of its SOQ. It is the Proposer's sole responsibility to ensure delivery of its SOQ to the Authority by the time, date, and at the place specified herein, and the Authority shall therefore have no liability or responsibility regarding delivery of a Proposer's SOQ.

4.3 PAGE LIMIT, FORMAT AND QUANTITIES

Refer to Appendix B for details of page limits, requirements for the formatting of SOQ submissions and details of the number of copies to be submitted.

4.4 CONTENT OF SOQ

This Section 4.4 describes the specific information that must be included in the SOQ. An outline of the required format for the SOQ is provided in Appendix B. Required forms for the SOQ are contained in Appendix C. Any material modification to the forms may result in the SOQ being declared non-responsive.

Proposers should provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in Section 4.4.2. Lengthy narratives containing extraneous information are discouraged. If the Proposer's organization has not yet been formed, information regarding the future organization shall be provided as appropriate to allow the Authority to determine whether the future organization will meet applicable requirements once it is formed.

4.4.1 Cover Letter

The Proposer shall provide a cover letter (no more than two pages) indicating its desire to be considered for the Project and stating the official name(s) and roles of all Principal Participants and Design-Build Team members. The Proposer shall identify a single point of contact for the Proposer and the address, telephone and fax numbers and e-mail address, where questions should be directed. Authorized representative(s) of the Proposer's organization shall sign the letter. If the Proposer is not yet a legal entity or is a joint venture or general partnership, authorized representatives of all Principal Participants shall sign the letter.

The Proposer shall attach to the cover letter the completed acknowledgment of receipt form (Appendix C Form AOR) acknowledging receipt of the RFQ and any addenda and/or responses to questions issued by the Authority. The preparer shall attach the required written certification from subcontractor(s) serving on more than one proposal team as discussed in section 1.11 Rules of Conduct.

4.4.2 Evaluation Factor Objectives and Requirements

In providing an SOQ, Proposers should be guided by the overall Project goals and objectives in Section 1.2 and the specific RFQ objectives and requirements listed in Sections 4.4.2.1 through 4.4.2.7. The SOQ evaluation ratings described in Section 3.3 will reflect how well an SOQ responds to the requirements and meets or exceeds the objectives for each of the evaluation factors.

4.4.2.1 Legal (Pass/Fail)

- A) Objective:
To confirm the Proposer is or will be legally constituted, able to submit a Proposal and enter into the Contract, complete the Work, and that the members of the Proposer's team either hold or commit to obtaining all required Professional Licenses.
- B) Requirements and information to be provided in Section 1 of the SOQ:
- 1) Form L-1 (Appendix C), Proposer's Organization Information, for the Proposer's organization.
- C) Requirements and information to be provided in Section 1 of the SOQ if the Proposer is a joint venture or partnership of different firms:
- 1) Identity of the Lead Principal Participant of the entity, if any (Form L-1, Appendix C); and
 - 2) Percent equity share held by each member (Form L-1, Appendix C);
 - 3) If the Proposer has already been legally constituted, full details of the organizational structure and supporting organization/formation documents including a copy, as applicable, of the joint venture agreement, limited liability company operating agreement or partnership agreement; and
 - 4) If the Proposer has not yet been legally formed, a description of the proposed legal structure and draft copies of the underlying documents, including:
 - i) All significant terms of the joint venture or partnership, including the rules relative to the administration of the joint venture, Limited Liability Company or partnership, including dealing with deadlock situations;
 - ii) Description of how the joint venture, Limited Liability Company or partnership will operate administratively and technically;
 - iii) A teaming agreement or comparable document setting forth the equity members' agreement to form the organization; and
 - iv) If a Proposer has not yet been legally formed at the time of the submission of their Proposal to the Authority, the Proposer must be legally formed before the Authority will Award or execute a Contract with the Proposer. If there is a delay, for any reason whatsoever, in the forming of the legal entity, the Award, contract execution and the notice to proceed will be postponed until the legal entity is fully formed? The resulting delay shall not change any of the contractual interim milestone or final completion dates in the Contract and Proposal and liquidated damages will be assessed for each day the interim milestone or final completion dates are not met. If the Proposer has not yet been legally formed within 7 calendar days of designation of best value, the Authority may, at its sole discretion, reject the Proposal and proceed to award the Contract to the Proposer having the apparent next best value Proposal.
 - 5) An express statement from each of the equity members of the entity as to their joint and several liabilities.

- D) Requirements and information to be provided in Section 1 of the SOQ:
- 1) Submit notarized Power of Attorney for each Principal Participant indicating the Authority to bind the Principal Participant's representative to sign for that Principal Participant the submitted SOQ;
 - 2) Submit notarized Power of Attorney from each Principal Participant indicating the Authority of the Proposer's designated point of contact to sign documents for and on behalf of the Proposer's organization; and
 - 3) Use Form L-3 (Appendix C) to submit a copy of the Certificate of Authorization to provide Engineering Services issued by the New York State Education Department for the appropriate team members, or submit documentation on Form L-3 (Appendix C) demonstrating the ability to obtain said Certificates and licenses, in accordance with the New York State Education Law, Title VIII, Articles 130, 145, 147 and 148.
- E) Procurement Lobby disclosures for the Proposer or, if the Proposer has not yet been formed, for each of its proposed members, in the two forms provided at:
- <https://www.dot.ny.gov/main/business-center/consultants/non-architectural-engineering/active-solicitations>
- Which shall be presented in Section 1 of the SOQ.

4.4.2.2 Financial (Pass/Fail)

- A) Objective:
- 1) To identify Proposers with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding capacity and the capability to effectively manage the scheduled cash flow as well as any unanticipated cash flow needs of the Project; and
- B) Requirements and information to be submitted – Surety Letter(s):
- 1) Provide a letter from a surety or insurance company indicating that the Proposer is capable of obtaining Proposal, Performance and Payment Bonds covering the Design-Build Contract based on Table 4.1 below and the anticipated Contract Amount as shown in Appendix A, Article 4.0;
 - 2) The bonding/security capacity levels in Table 4.1 represent minimum levels necessary to pass the Pass/Fail criteria of Section 3.3.1 for the Contract;
 - 3) The letter must state that the surety or insurance company is rated AA-/Aa3 by two nationally recognized rating agencies or at least A-VII by A.M. Best and Company, be listed on Treasury Authority Circular 570 and be on the list of companies approved by the State of New York;
 - 4) The letter must specifically state that the surety/insurance company has evaluated the team's backlog and work-in-progress in determining its bonding capacity and the letter must expressly identify the team's amount of current backlog and utilized bonding capacity; and
 - 5) Letters indicating "unlimited" bonding/security capability are not acceptable.

Table 4.1

Proposal Bond/ Security	Payment Bond/ Security	Performance Bond/ Security
5% of Proposal Amount	100% of Contract Amount	100% of Contract Amount

- C) The Contract Amount is not anticipated to exceed the amount shown in Appendix A.

4.4.2.3 Backlog and Capacity (Pass/Fail)

- A) Objective:

To identify Proposers with sufficient capacity, considering current, committed and potential workload and past level of contract activity, to successfully complete the design and construction of the Project.

- B) Requirements and information to be submitted:

Submit Form B (Appendix C), Backlog Information, for each Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory. Limit backlog information to the office(s)/division(s) of the firms that will be performing Work on the Project.

4.4.2.4 Vendor Responsibility – (Pass/Fail)

- A) Objective:

To identify Proposers with firms and/or personnel with a history of financial, legal, integrity, or performance issues that could adversely impact the Project generally.

- B) Requirements and information to be submitted:

Vendor Responsibility Questionnaire: All firms of the Design-Build team shall submit a Vendor Responsibility Questionnaire (VRQ). Construction Contractors shall supply the CCA-2 form. See Appendix C. Note the VRQ form used by the New York State Thruway Authority is not sufficient. The VRQ and CCA-2 form may also be submitted on-line using the OSC VendRep system, and include a receipt of submission in the SOQ instead of a hard copy of the VRQ and CCA-2 form.

4.4.2.5 Organization and Key Personnel (Quality)

- A) Objective:

- 1) To identify Proposers that can manage all aspects of the Contract in a satisfactory, timely, and effective manner, successfully integrate the various parts of its organization in relation to Design-Build, and coordinate with the Authority in a cooperative and functional manner; and

- 2) To identify specific Key Personnel with demonstrated experience and expertise, and a record of producing better than satisfactory work on projects of a similar nature to this Project.
- B) Requirements and information to be submitted:
- 1) Organization chart and communication structure (Solid lines for organization and colored dash lines for communication) among the Principal Participants, Construction Firm(s), Design Firm(s), Construction Inspection Professional Engineering Firm(s), Materials Testing Firm(s) or Laboratory(Laboratories), and specific Key Personnel; A maximum, 6 page narrative is available for the Design-Build team to explain how their Design-Build organization is structured to work and why and how the communication within that organization is intended to facilitate success.
 - 2) Form R – Summary of Individual's Experience shall be submitted. Form R shall be completely filled out with no blank lines/spaces. References shall be owners for whom the individual has performed project work which qualifies the individual for the key personnel position they are being evaluated on. Any references cannot be current employers of the individual. The individual shall have performed the work experience required in the last (5) years.

C) Requirements for Key Personnel:

Key Personnel are listed below and should meet the qualifications described in Appendix A. Proposed staff with qualifications less than those described in Appendix A will receive a reduced score compared to staff that meet or exceed the described qualifications.

- 1) Project Manager;
- 2) Design Manager;
- 3) Quality Manager; and
- 4) Supervisor of Resident Engineer(s)

Key Personnel overlap verification requirements on Authority Design-Build projects as per Section 1.16 of the General Instructions.

4.4.2.6 Experience of the Firms (Quality)

A) Objective:

- 1) To identify the best Design-Build Teams with demonstrated experience, expertise, capacity in, and record of producing quality Work on projects possibly similar in nature to this Project;
- 2) To identify Proposers that have:
 - v) Experience in successfully managing and constructing projects with similar types of work as this Project;
 - vi) Experience in successfully completing Design-Build projects with similar types of work, and possibly the same scope as this Project;
 - vii) Experience in successfully managing the construction sequencing, maintenance of traffic and community interaction aspects of Projects; and

- 3) To identify Proposers whose design team has successfully managed and completed the design of infrastructure projects and who have a record of developing designs that are cost effective, innovative and sustainable;
- 4) To identify Proposers who will effectively manage all aspects of the Contract in a timely and effective manner and will integrate the different parts of its organization collectively and with the Authority in a cohesive and seamless manner: to provide a quality result.
- 5) To identify Proposers that have the technical and management experience and expertise to plan, organize, coordinate, execute the design and construction and assure the quality of all the components of the Project;
- 6) To identify Proposers whose Design and Construction Inspection Professional Engineering Firms preferably have past experience with the Authority and/or NYSDOT inspection practices and procedures; and
- 7) To identify Proposers whose Materials Testing Firm(s) or Laboratory (Laboratories) is (are) AASHTO certified.

B) Requirements and information to be submitted:

- 1) Using Form E-1 (Appendix C), Project Description, provide no more than five (5) past project descriptions for the Constructor(s), five (5) for the Designer(s), three (3) for the Construction Inspection Professional Engineering Firm(s), and three (3) for the Materials Testing Firm(s) or Laboratory (Laboratories). Past projects must have been active within the last 12 years, and may be ongoing. It would be advantageous to include projects that were Design-Build, if any. An emphasis should be placed on projects having a scope, size, and/or complexity comparable to that anticipated for this Project; or project aspects comparable to that anticipated for this Project. If the legal entity that participated in a Form E-1 project is not the same legal entity that is on the Proposer's team, explain in the "relevance" section of Form E-1 how the expertise will be transferred to the Proposer's team. Similarly, if a firm's office in a Form E-1 project is not the same office of the firm that would perform work on this Project, explain in the "relevance" section of Form E-1 how the expertise will be transferred to the Proposer's team. Form E-1 may be modified to allow identification of multiple team members involved in the same project. Attach the Forms E-1 to the respective firm's background and experience summary.
- 2) Verification that the Materials Testing Firm(s) or Laboratory (Laboratories) is (are) AASHTO certified.

4.4.2.7 Past Performance (Quality)

A) Objective:

- 1) To identify Proposers with firms and personnel that have successfully completed projects on time and on or under budget, including transportation and infrastructure projects;
- 2) To identify Proposers that have records of managing contracts to minimize delays, claims, dispute proceedings, key personnel change assessment fees, litigation and arbitration;
- 3) To identify Proposers with a record of providing a safe work environment; and

- 4) To evaluate the record of MWBE and/or DBE compliance for each firm included in the SOQ in terms of achieving or making good faith efforts towards achieving past contract MWBE/DBE goals.

B) Requirements and information to be submitted:

- 1) Using Form PP-1 (Appendix C), Past Performance, provide the information requested for **each project** for which Form E-1 was prepared. The Narrative should be a self-assessment of the Firm's performance on the project, in accordance with Objectives 1) and 2) above. The Narrative should then explain any cost overruns, schedule delays, claims, litigation, key personnel change assessment fees, and liquidated damages associated with the project. Form PP-1 shall not exceed two pages in length per project.

With respect to the information solicited in this Section 4.4.2.7, failure to provide this information, conditional or qualified submissions to requests or questions posed (such as "to our knowledge", "to the extent of available information", "such information is not readily available", "such information is not maintained in the manner requested", etc.), incomplete or inaccurate submissions or non-responsive submissions may, in the sole discretion of the Authority, lead to a low evaluation rating for this evaluation factor or result in a deficiency that would cause the Authority to declare the SOQ non-responsive. The proposer may include any extenuating circumstance it believes important regarding any assessment of liquidated damages, fines, or adverse findings assessed against the firm on the Design-Build team.

- 2) All Other Projects: For all other projects each Design-Build Team member has been involved with over the last 10 calendar years, submit the following information, organized by Design-Build Team member:
 - a) Claims, dispute proceedings, litigation and arbitration proceedings: Provide an explanation for any claims, dispute proceedings, litigation, and arbitration proceedings that were submitted, over the past ten calendar years, to the NYSTA Chief Engineer's office, the NYSDOT's Commissioner's office, or other agency's equivalent, as part of a formal dispute resolution process, as outlined in Section 105-14, Disputed Work and Dispute Resolution, of the NYSDOT Standard Specifications (for Design-Bid-Build Projects) and The New York State Thruway Authority Addendum (TA) to the Standard Specification Books published by the NYSDOT. Include all claims, dispute proceedings, litigation and arbitration proceedings initiated by or against owners and/or federal, State and local regulatory authorities. Indicate whether the claim, dispute proceeding, litigation or arbitration proceeding was resolved against the participant(s) or its insurers/sureties or resulted in reduction in compensation to the participant. Indicate any unresolved, outstanding claims, dispute proceedings, litigation and arbitration proceedings; and
 - b) Liquidated damages: Describe any contract which resulted in assessment of liquidated damages against any Design-Build Team member involving amounts in excess of \$25,000 for any one project over the past ten calendar years.

Describe the nature of the liquidated damages (including missed contract deadlines/milestones, improper maintenance of traffic, etc.), causes of the delays, the length of the delays, and the amounts assessed. Describe any outstanding damage claims by or damages due and owing to any owner/agency.

Provide information relative to past fees assessed to the contractor/designer/CI firm involving key personnel change assessment fees for having changed key personnel following award of a previous Design-Build contract (on-going or completed). Provide the owner's name and the name of its current representative (and current phone and e-mail address) who can be contacted for additional information.

- c) Termination for cause or default: Describe the conditions surrounding any contract (or portion thereof) entered into by any such entity over the past 5 calendar years that has been terminated for cause or default, or which required completion by another party. Describe the reasons for termination and the amounts involved.
- d) Disciplinary Action: Indicate any disciplinary action taken against any such entity within the past 5 years by any governmental agency or licensing board, including suspension from the right to propose or removal from any proposer list.

If one or more of the Design-Build Team members have no information to provide in response to this Section, submit a declarative statement to that effect. Each Design-Build Team member's response to this Section shall not exceed two pages in length.

Failure to accurately report past performance, or omissions of this information may result in disqualification of the Design-Build Team at the sole discretion of the Authority.

- 3) Safety: Submit Form S (Appendix C), Safety Questionnaire, for each Design-Build Team Member in accordance with the instructions at the top of the Form;
- 4) Experience Modification Rate: Each firm on the Proposer's team shall submit a letter from their current workers compensation insurance carrier stating the expiration date of the policy and the current EMR rate; and
- 5) MWBE/DBE Program Experience: Submit Form MWBE/DBE (Appendix C), Record of MWBE/DBE Program Experience – Tables 1-5, for each Principal Participant, Constructor, Designer and Construction Inspection Professional Engineering Firm, reflecting record of compliance with MWBE/DBE requirements in their contracts for the past five (5) years.

4.4.2.8 Demonstration, through initial approach and geographical representation of how the Design-Build Team will utilize resources to logistically deliver the statewide effort.

A) Objective:

1. The Thruway does not intend to short-list any Design-Build Firms that have not demonstrated that they logistically covered from a statewide perspective, the ability to successfully complete this project within the required milestone or less. The concept that this system has to be switched over in a night time period requires significant resources. The Thruway Authority requires a level of comfort that the short-listed Design-Build Teams will have the quality resources to accomplish the necessary work.

B) Requirements

1. The Design-Build Teams will provide a narrative describing the make-up of their workforce teams, their geographic responsibilities, and the initial approach of the team on how they will accomplish the work in the constrained time frame. Listing of quality subcontractors is encouraged as is any information that provides the Authority added assurances that the Design-Build Teams logic and resources are sound and reasonable to undertake this project.

A) Subcontractors shall sign and complete the affirmation form (AF-1) attesting to their ability and willingness to undertake the work part of the Design-Build Team, should that team be designated as Best Value.

- Subcontractors can sign affirmation for more than one Design-Build Team however in doing so, they must also comply with Section 1.11. Therefore subcontractor certifications (Form CID) must be provided if working for more than one Design-Build team.
- Principles, Contractors, Designers, CI Firms, and Testing Firms that form the Design-Build Team cannot commit nor sign an affirmation for other Design-Build Team(s).

2. The Design-Build Team shall provide on Form MAP the geographical work locations associated with their subcontractors and the Design-Build Team members.

5.0 PROTESTS

This Section 5.0 sets forth the exclusive protest remedies available with respect to this RFQ. Each Proposer, by submitting its SOQ, expressly recognizes the limitation on its rights to protest contained herein, expressly waives all other rights and remedies and agrees that the decision rendered on any protest, as provided herein, shall be final and conclusive. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the Proposers. If a Proposer disregards, disputes or does not follow the exclusive protest remedies set forth in this RFQ, it shall indemnify, defend and hold the Authority and its directors, officers, officials, employees, agents, representatives and consultants, harmless from and against all liabilities, expenses, costs (including attorneys' fees and costs), fees and damages incurred or suffered as a result of such actions. The submission of an SOQ shall be deemed the Proposer's irrevocable and unconditional agreement with such indemnification obligation.

5.1 WRITTEN PROTESTS ONLY

All protests must be in writing. Protests shall be submitted to the Protest Official designated below:

Attention: Joseph Igoe
New York State Thruway Authority
Legal Department
200 Southern Blvd. P.O. Box 189
Albany, New York 12201-0189, USA

Email: Joseph.Igoe@Thruway.ny.gov

With a copy also sent to the Authority's Designated Representative at the address identified in RFQ, Appendix A.

Any protest not set forth in writing within the time limits specified in these procedures is null and void and shall not be considered. Protests regarding this RFQ shall be filed only after the Proposer has informally discussed the nature and basis of the protest with the Authority in an effort to reach resolution.

The Protest Official or his/her designee may, in his/her sole discretion, discuss the protest with the protestor prior to issuance of the written decision by the Protest Official or his/her designee. The protestor shall have the burden of proving its protest by clear and convincing evidence. No hearing will be held on the protest, but it shall be decided, on the basis of the written submissions, by the Protest Official or his/her designee, whose decision shall be final and conclusive. The Protest Official or his/her designee shall issue a written decision regarding any protest to each Proposer.

5.2 PROTEST CONTENTS

- A) All Protests must include the following:
- 1) The name and address of the Proposer;
 - 2) The Contract number;
 - 3) A detailed statement of the nature of the protest and the grounds on which the protest is made;
 - 4) All factual and legal documentation in sufficient detail to establish the merits of the protest. Evidentiary statements must be provided under penalty of perjury; and
 - 5) A summary of the remedy being requested.
- B) The protestor must demonstrate or establish a clear violation of a specific law, regulation or procedure.
- C) The Authority will not be obligated to suspend or postpone the procurement process in any manner during the protest.
- D) If the protest is denied, the protestor may be liable for the Authority's costs reasonably incurred in any action to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by the Authority as a consequence of the protest. If the protest is granted, the Authority shall not be liable for payment of the protestor's costs, including, but not limited to, legal and consultant fees and costs.

5.3 TIME FOR FILING PROTESTS REGARDING RFQ PRIOR TO SOQ DUE DATE

A) A protest based on alleged improprieties in the solicitation prior to the SOQ due date shall be filed as soon as there is actual or constructive notice of such alleged impropriety, but in no event shall such protest be after the SOQ Due Date.

B) The Protest Official or his/her designee will promptly make a determination in writing regarding the validity of the protest and whether or not the RFQ process should be delayed beyond the scheduled SOQ Due Date.

C) If the Protest Official or his/her designee determines that the scheduled SOQ Due Date should be delayed, all Proposers will be notified by written addendum of the delay and the reason thereof. A protest based on alleged improprieties arising from modifications to the original solicitation shall be filed not later than the next closing date for receipt of SOQs following the modification.

D) If the protest is determined to be valid, the Protest Official or his/her designee will respond in writing to each material issue raised in the protest in a timely manner.

5.4 PROTESTS REGARDING SHORT-LIST DECISION

A) If the Authority selects the shortlisted Proposers, a debriefing will be made available to any Proposer that submitted a SOQ in response to this Request for Qualifications. A qualifying Proposer, if it wishes to have a debriefing, must make a request in writing to the Authority's Designated Representative indicated in RFQ, Appendix A, within four (4) business days of notification of the Short-List. The debriefing shall occur within seven (7) business days of the Authority's receipt of a Proposer's request. An unsuccessful Proposer may not file a protest until after the debriefing. The protest shall be filed no later than four (4) business days after the debriefing.

B) If the protest has been timely filed, the Protest Official or his/her designee will promptly make a determination in writing regarding the validity of the protest and whether or not the procurement should be delayed, or the Short-List considered for revision.

C) If the procurement is delayed, all Proposers will be notified of the delay. The Protest Official or his/her designee will respond in writing to each material issue raised in the protest in a timely manner prior to proceeding further with the procurement.

D) Should a protestor wish to appeal the decision of the Protest Official or his/her designee concerning any Short-List decision, a protestor shall follow the procedures as outlined in Section 5.5.

E) No protest under this Section 5.4 may include any grounds for protest that could have been raised under Section 5.3.

Failure to file a notice of protest within the applicable period shall constitute an unconditional waiver of the right to protest the evaluation or shortlisting process and decisions here under, other than any protest based on facts not reasonably ascertainable as of such date.

5.5 RIGHT OF APPEAL

- A) In the event that a protestor receives an unfavorable decision from the Protest Official to its protest, the protestor shall have the right to appeal the decision of the Protest Official by submitting a written appeal to the Executive Director or designee within seven (7) days after receipt of the decision of the Protest Official, with a copy sent to the Authority's Designated Representative. The Authority will appoint a Protest Committee of at least three (3) members to review the protest and the decision of the Protest Official;
- B) The Protest Committee will notify the protestor in writing in a prompt manner of its decision regarding the protest and the appeal; and
- C) If the matter is not resolved after the appeal, the protestor may continue the protest by appeal to judicial Authority.

5.6 IRREVOCABILITY OF STATEMENT OF QUALIFICATIONS PENDING RESOLUTION OF PROTEST

All SOQs shall be irrevocable until final administrative and judicial disposition of a protest.

6.0 AUTHORITY'S RIGHTS AND DISCLAIMERS

6.1 AUTHORITY'S RIGHTS

The Authority may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. The Authority reserves the right, in its sole and absolute discretion, to:

- A) Reject any or all SOQs;
- B) Issue a new RFQ;
- C) Cancel, modify or withdraw the RFQ;
- D) Issue addenda, supplements and modifications to this RFQ;
- E) Modify the RFQ process (with appropriate notice to Proposers);
- F) Appoint a Selection Committee and/or evaluation teams and Selection Official to review SOQs, and seek the assistance of outside technical experts in the SOQ evaluation;
- G) Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs;
- H) Revise and modify, at any time before the SOQ Due Date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. The Authority will post any such revisions or modifications on the Authority's web site. The Authority may extend the SOQ Due Date if such changes are deemed by the Authority, in its sole discretion, to be material and substantive;
- I) Hold meetings and exchange correspondence with the Proposers responding to this RFQ to seek an improved understanding and evaluation of the SOQs. If individual Proposer Informational Meetings are held, all Proposers submitting a responsive SOQ shall be afforded an opportunity to participate in an individual Proposer Informational Meeting;

- J) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs;
- K) Waive minor weaknesses, minor informalities and minor irregularities in SOQs;
- L) Disqualify any Proposer whose conduct/and or SOQ fails to conform to the requirements of the RFQ.
- M) Seek clarification of and revisions to SOQs.
- N) Prior to opening of the SOQs, direct Proposers to submit modifications addressing subsequent RFQ amendments.
- O) Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Proposer's SOQ and/or to determine a Proposer's compliance with the requirements of the RFQ.
- P) Disqualify any Proposer that changes its SOQ without Authority written approval; and/or
- Q) Refuse to consider an SOQ or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - 1) Failure on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, material, supplies, or services legally due on previous or ongoing contracts with the Authority (or other State agency);
 - 2) Default on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory under previous contracts with the Authority (or other State agency);
 - 3) Unsatisfactory performance by the Proposer, a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory under previous contracts with the Authority (or other State agency);
 - 4) Issuance of a notice of debarment or suspension to the Proposer, a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, as well as the Materials Testing Firm or Laboratory;
 - 5) Submittal by the Proposer of more than one SOQ for the same work under the Proposer's own name or under a different name;
 - 6) Existence of a conflict of interest or evidence of collusion between a prospective Proposer (or any Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory) and other Proposer(s) (or Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory) in the preparation of an SOQ or Proposal for any Authority construction project;
 - 7) Uncompleted work or default on a contract in another jurisdiction for which the prospective Proposer or a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory is responsible, which in the judgment of the Authority might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded;

- 8) Failure on the part of a Principal Participant, Constructor, Designer, Construction Inspection Professional Engineering Firm, Materials Testing Firm or Laboratory to submit and certify a Vendor Responsibility Questionnaire to the Authority, or other agency prior to the SOQ Due Date; and/or
- 9) Submittal by the Proposer of an SOQ that contains any false information or statements, or references to any documents that have been proven to be falsified.

The RFQ does not commit the Authority to enter into a Contract, nor does it obligate the Authority to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to this RFQ and any subsequent RFP may be contingent upon sufficient appropriations and authorizations being made by the Legislature of New York, or the Board of the Authority, or the Congress of the United States if federal funds are involved, for performance of a Contract between the successful Proposer and the Authority, and the subsequent executive enactment of these appropriations.

In no event shall the Authority be bound by, or liable for, any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance is satisfactory to the Authority, has been executed and authorized by the Authority and approved by all required parties including the State Office of the Attorney General and Office of State Comptroller, and, then, only to the extent set forth therein.

6.2 AUTHORITY'S DISCLAIMERS

In issuing this RFQ and undertaking the procurement process contemplated hereby, the Authority specifically disclaims the following:

- A) Any obligation to award or execute a Contract pursuant to this RFQ; and
- B) Any obligation to reimburse a Proposer for any costs it incurs under this RFQ.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

7.0 MWBE PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY

7.1 POLICY

The Proposer shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability or marital status. The Proposer shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, age, disability or marital status. Such actions shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The Proposer shall not use the goals or affirmative action requirements to discriminate against any person because of race, color, religion, sex, national origin, age, disability or marital status.

7.2 MWBE/DBE PARTICIPATION AND EQUAL EMPLOYMENT OPPORTUNITY

For Federal-aid contracts, projects are subject to USDOT DBE Design-Build provisions as set forth under Title 49 CFR Part 26. The Proposers shall take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in this Project.

The overall goal for DBE participation has yet to be determined for this Project and will be included in the RFP, if applicable.

This Project will be subject to Article 15-A of the New York State Executive Law and 5 NYCRR 140 et seq concerning equal employment opportunity (EEO) and participation of minority-owned business enterprises (MBE) and women-owned business enterprises (WBE) (collectively "MWBE"). The overall EEO goal and goal for MWBE participation has yet to be determined for this Project. Further requirements and goals will be included in the RFP.

7.3 EQUAL EMPLOYMENT OPPORTUNITY

Discrimination in all phases of contracted employment, consultant activities, contracting activities and training is prohibited by Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Justice System Improvement Act of 1979, the Americans with Disabilities Act of 1990, the Civil Rights Restoration Act of 1987, 49 CFR Part 21, and other related laws and statutes. The referenced legal citations establish the minimum requirements for affirmative action efforts and define the basic nondiscrimination provisions as required by this RFQ. Further requirements and discussions regarding Equal Employment Opportunity policies at all contracting levels will be set forth in the RFPs.

8.0 CONFLICT OF INTEREST

Proposers are required to disclose known or potential conflicts of interest in their Statement of Qualifications. Because of their prior work, firms that have been identified as having conflicts of interest that prevent their consideration for the pending project are shown in Appendix A. Proposers may not include the services of the firm(s) identified in Appendix A.

Proposers utilizing firm(s) identified in Appendix A will be disqualified from participating in this Project.

9.0 COMPLIANCE WITH APPLICABLE LAWS

In connection with this RFQ and the Contract, Proposers shall comply with all applicable laws in all aspects in connection with the procurement process of the Project and the performance of the Contract.

10.0 FREEDOM OF INFORMATION LAW (FOIL)

The Authority will maintain a non-public process for the duration of this procurement. Pursuant to Section 87(2)(c) of the New York State Public Officers Law ("POL"), all records related to this procurement, including, but not limited to, SOQs, evaluation and Short-List procedures, Proposals, evaluation and selection procedures, and any records created during the evaluation and selection process, will be denied in accordance with the requirements of Article 6 of the POL ("FOIL") until the Contract has been executed by all necessary officials of the Design-Builder and the Authority.

All records pertaining to this procurement will become public information after execution of the Contract, unless such records are determined to be deniable under FOIL, including records that are deniable because they constitute trade secrets or because disclosure of such records would cause substantial injury to the competitive position of the Proposer or its team members. Unless otherwise provided by law, records marked as “Exempt from Disclosure under FOIL” in an SOQ or Proposal submitted by an unsuccessful Proposer are not subject to inspection at any time by third Persons under FOIL, and the records so marked by the successful Proposer in its SOQ and Proposal will remain confidential.

If a Proposer submits information in its SOQ that it believes to be deniable records under FOIL and that it wishes to protect from disclosure, the Proposer must do the following:

- A) Clearly mark all such financial information, trade secrets, or other information “Exempt from Disclosure under FOIL” in its SOQ at the time the SOQ is submitted, and include a cover sheet identifying each section and page which has been so marked;
- B) With respect to each such section and page, include a statement with its SOQ justifying the Proposer’s determination that the identified information constitutes deniable records;
- C) Provide an additional version of the SOQ submission in which confidential information has been redacted such that the redacted SOQ could without any further modification be inspected at any time by third parties under FOIL. The content of the redacted SOQ shall be identical to that of the original SOQ in all respects other than the redaction of deniable records.

Under no circumstance will the Authority, the State, or their respective agents, employees or consultants be responsible or liable to the Proposer or any other party for the disclosure of any such labeled materials, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake or negligence on the part of the State or its agents, employees or consultants. In the event of litigation concerning the disclosure of any material submitted by the submitting party, the Authority’s and State’s sole involvement will be as a stakeholder retaining the material until otherwise ordered by a court, and the submitting party shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk. The submitting party shall indemnify and hold harmless the Authority and the State and their respective agents, employees and consultants from and against any losses, costs or expenses any of them may incur in connection with any such litigation (including, without limitation, attorney’s fees). This indemnification shall survive any cancellation or termination of this procurement or any award and subsequent execution of a Contract. In submitting an SOQ, the Proposer agrees that this indemnification survives as long as the deniable records are in possession of the Authority or the State.

11.0 NEW YORK STATE FINANCE LAW §§ 139-j AND 139-k CERTIFICATION (“LOBBYING LAW”)

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005 (collectively referred to as the “Lobbying Law”), made major changes to the Legislative Law and State Finance Law relative to lobbying on government procurements. More specifically, the Lobbying Law created two new sections in the State Finance Law: Section 139-j addresses restrictions on “contacts” during the procurement process; and Section 139-k addresses the disclosure of contacts and the responsibility of bidders/proposers during the procurement process. The Lobbying Law applies to all procurements initiated on or after January 1, 2006. In this regard, a procurement means a contract or agreement involving an annual expenditure in excess of **\$15,000** for a commodity, service, technology, public work, or construction; purchase, sale or lease of real property; or revenue contract.

This RFQ is subject to the provisions of the Lobbying Law. As such, Proposers are required to review the Thruway Authority Guidelines Regarding Permissible Contacts during a Procurement and the Prohibition of Inappropriate Lobbying Influence (TAP-335). These Guidelines can be found on the Authority's Website at <http://www.thruway.ny.gov/business/consultants/forms/index.html#law>.

Additionally, the Proposer must fill out and submit, with the SOQ, 1 copy of each of the following:

- 1) A State Finance Law §§ 139-j and 139-k Contractor Disclosure of Prior Non-Responsibility Determinations Form (TA-W3053-9); and
- 2) A Certificate of Compliance with the Authority Guidelines Regarding Permissible Contacts during a Procurement and the Prohibition of Inappropriate Lobbying Influence (TA-W2111-9) for your firm.

These forms are also available on the above listed websites. A Proposer's SOQ will not be considered unless it is accompanied by both of these required forms, each fully executed for the Proposer.



**CASHLESS TOLLING
DESIGN-BUILD PROJECT**

TA 19-1, Contract No. D800002

REQUEST FOR QUALIFICATIONS

**APPENDIX A
PROJECT INFORMATION**

Date: August 21, 2018

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APPENDIX A TO REQUEST FOR QUALIFICATIONS

1.0 PROJECT SCOPE AND BACKGROUND

- The Project involves Design-Build services for the Cashless Tolling (the “Project”). The Project is located in the Counties of Chautauqua, Oneida, Herkimer, Montgomery, Schenectady, Albany, Greene, Ulster, Orange, Rockland, Erie, Genesee, Monroe, Ontario, Seneca, Cayuga, Onondaga, and Madison, of New York.

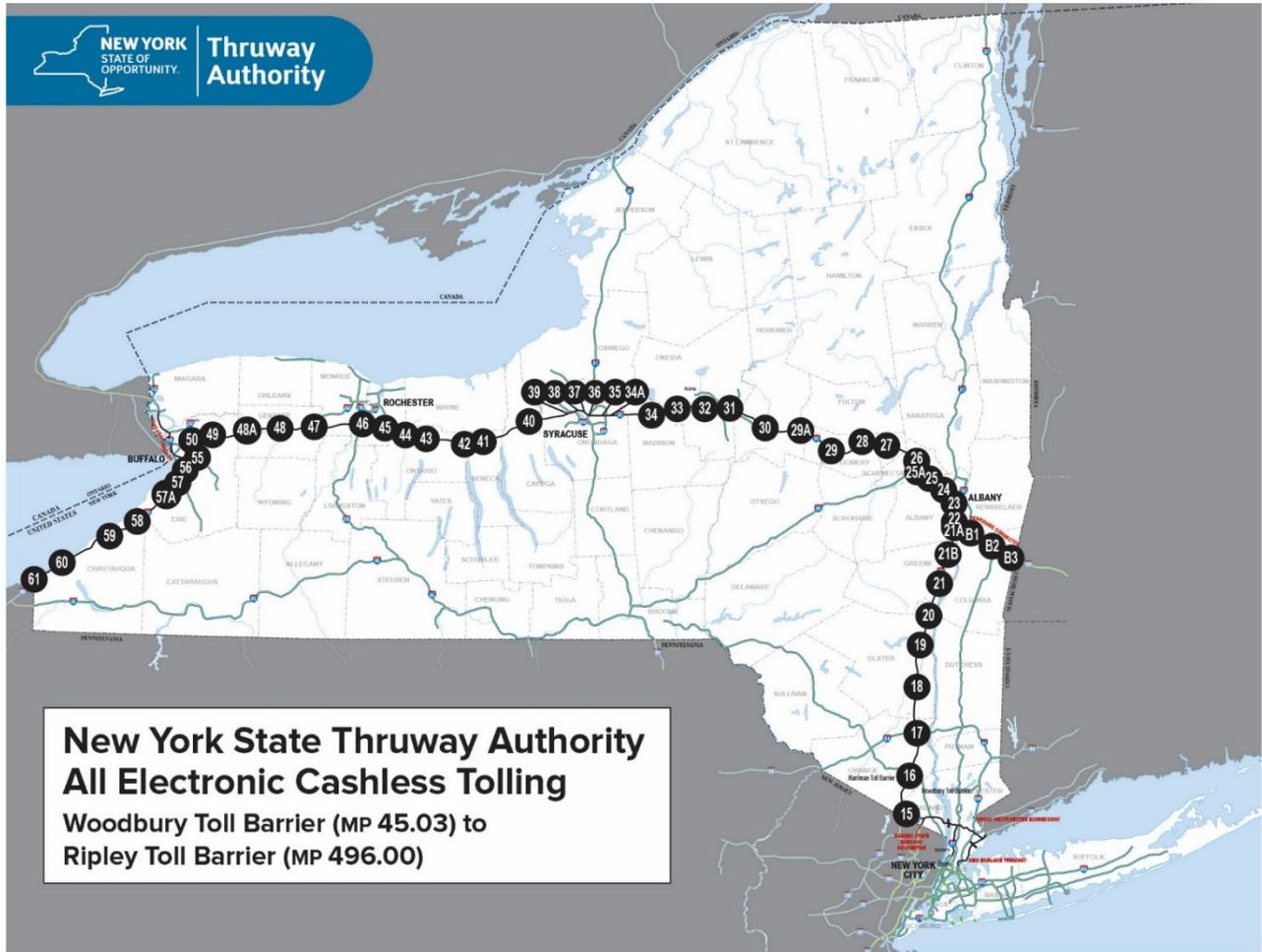
The project scope of work will include but is not limited to the following:

- This Design-Build project involves the design and construction of “Cashless Tolling” on the New York State Thruway ticketed system from approximately Exits 16 to 61(MP 45.03 to MP 496.00). The work to be performed varies by Exits with Electronic Tolling in place to occur approximately at Exits – B1, B2,17, 18, 19, 20E, 20W, 21, 21B, 22, 26, 27, 28, 29, 29A, 30, 31, 32, 33, 34, 37, 38, 40, 41, 42, 43, 44, 48, 48A, 49, 56, 57, 57A, 58, 59, and 60 with miscellaneous work at Exit 35 and Exit 16 - Harriman. Terminus locations at Woodbury, Canaan, Williamsville, Lackawanna and Ripley will require gantry solutions equipped with appropriate electronic equipment for cashless tolling and pay by mail electronics. Details to be provided in the RFP.

The 36 Exits of Cashless Tolling in place entails that the majority of the electronics shall be installed by the Thruway Authority during years 2018 and 2019 and the Design-Builder shall be responsible for modifying the footprint leading into and out of the toll plazas which will involve pavement repairs, treadle replacements, potential positive separation of traffic flow, potential modification of conflicting traffic moves such as “Park and Ride” Lots, tandem Lots, Thruway Maintenance vehicles ingress and egress to Maintenance Yards, and State Police ingress and egress to State Police facilities. Signing, placement of barrier/guiderail to delineate active lanes, striping, drainage, etc. The remaining locations are comprised of 10 interchange-to-interchange connections (Exits) and 5 terminus points on the current ticketed system and shall involve the strategic cost effective placement of gantries, the removal of toll plazas, the reduction (in most locations) of the infrastructure footprint, positive separation of opposing traffic, signing, striping, design and construction modifications of superelevations to accommodate higher speeds through the gantry areas and modified toll plazas areas, landscaping, electronic work, electronic building construction (TUBS), possibly tandem lot access modifications or closures or relocations, and/or solutions to provide safe ingress and egress to and from the Thruway System.

The Cashless Tolling System shall be operational prior to December 20, 2020 with all Toll Plazas removed and modifications completed prior to the end of June 2021. The Cashless Tolling System has to be converted over in one evening, essentially at the same time. The only exception to this is the Erie Section, Lackawanna to Ripley, (MP 430.51 to MP 496.00) which can precede the rest of the system but not follow the rest of the system. More detailed description of the work to be provided in the in the RFP for shortlisted firms.

2.0 PROJECT LOCATION



The Project scope of work will include but is not limited to the following:

Other:

- Coordination with and/or preservation of existing utilities;
- Potential remediation and disposal of asbestos containing material;
- Potential remediation and disposal of lead paint;
- Installation of new guide railing;
- Other details, constraints, and/or limitations will be specified in the RFP.

3.0 PROJECT WEB SITE

Information regarding the Project will be posted at the following web address:

<http://www.thruway.ny.gov/business/design-build/index.html>

The following documents shall be posted to the Project website prior to the issuance of the Final RFP:

- Final Design Approval Documents
- ROW Boundary MicroStation File; Maps available upon request
- Survey/Topographic Base Mapping
- Survey/Topographic Digital Terrain Model
- As-Built or Record Plans of Roadways and Toll Plaza within the project limits
- Traffic Count and Other Traffic Information
- Geotechnical Information
- Subsurface Soil Borings in close proximity to project work areas
- Hazardous Material Screening Reports
- State Wetland Delineation Information
- Utility owner and permit information
- Tandem lot locations and counts
- Park and ride lots and counts

Additional documents may be posted to the project website when they become available. Proposers are advised to check the Project web site regularly.

4.0 PROJECT CONTRACT AMOUNT

The Project Contract amount is not anticipated to exceed \$275 million.

5.0 PROJECT SCHEDULE

The current anticipated date of Contract Award for the Project is June 2019 with overall Project Completion no later than June 30, 2021. Interim milestones for the project may also be established.

6.0 PROCUREMENT SCHEDULE

The following represents the current procurement schedule for the Project. The schedule is subject to change at the sole discretion of the Authority.

Activity	Due Date
Final RFQ Released	August 21, 2018
Final Date for receipt of Proposer's questions	September 4, 2018
Issue Date for Final Addendum to the RFQ and/or answers to Proposer's questions	September 11, 2018
SOQ Due Date	September 19, 2018
Shortlisted DB Teams Announced	October 18, 2018
Draft RFP Issued	Late October 2018
Draft RFP Info Meeting	Mid November 2018
Final RFP to Shortlisted Firms	Early December 2018

Activity	Due Date
Proposals Due	Late March 2019
Selection of Best Value	Late April 2019
Contract Award	Early June 2019
Notice to Proceed	Mid-June 2019

7.0 PROJECT STATUS

The following list is a summary of the status of work that has been completed or is being completed by the Authority for the Project. This list is indicative, and is not comprehensive.

- Topographic Survey: Control surveys and design-level 3-Dimensional digital terrain data are to be provided in electronic format in the Reference Documents or RFP.
- Subsurface Survey: Available geotechnical information in the project vicinity is to be provided in the Reference Documents prior to issuance of the Draft RFP.
- Scope of Work: A detailed description of the Work to be performed for the Project will be provided in the RFP;
- Utilities: Identification and location of existing utilities will be identified for existing toll plaza areas in the RFP for the 10 Interchange;
- Right-of-Way (ROW): Right-of-Way acquisitions will not be required or allowed for this project;
- Environmental: The environmental clearances documented in the Final Design Report will be obtained by the Authority prior to issuance of the Final RFP, except for any releases that may be required for the Design Builder's operations.
- SEQR/NEPA: All SEQR and NEPA requirements will be satisfied prior to issuance of the Final RFP;
- Plans or drawings showing the locations of the Project Elements and potential Project Limits are expected to be provided in the RFP.
- Record Plans for the Toll Plaza and Terminus locations within this project are to be provided in the Reference Documents prior to issuance of the Final RFP.

8.0 AUTHORITY'S DESIGNATED REPRESENTATIVE FOR THE PROCUREMENT

The Authority's' Designated Representative for the procurement is:

James Chicoine and Mike Doyle
Attention: Cashless Tolling
Office of Capital and Contracts Management 2nd Floor
New York State Thruway Authority
200 Southern Blvd.,
P.O. Box 189
Albany, New York 12201-0189, USA

E-mail: CTDB@thruway.ny.gov

9.0 QUALITY EVALUATION FACTORS FOR THE RFQ PHASE

The quality evaluation factors to be evaluated in the SOQs and their relative weighting are:

- Organization and Key Personnel (30%);
- Experience of the Firms (20%);
- Past Performance (20%); and
- Demonstration, through initial approach and geographical representation of how the Design-Build Team will utilize resources to logistically deliver this statewide effort. (30%).

10.0 REQUIREMENTS FOR PROJECT KEY PERSONNEL

Key Personnel are preferred to have experience on projects of similar size, type(s) of work, and complexity as this Project, and should meet the qualifications described below. Proposed staff with qualifications less than those described below will receive a reduced score compared to staff that meet or exceed the described qualifications. Any requirements described as “**shall** have...” or “**shall** be...” are determined to be minimum response requirements.

- Project Manager: Shall** have a minimum of 10 years but preferably 15 years of demonstrated experience in construction and construction management of bridge /highway and/or transportation and/or infrastructure projects. Projects should preferably be of similar size and type(s) of work as this Project, and preferably include projects with compressed timelines, and community information requirements. Such experience in construction and management-of-construction should include at least one bridge infrastructure construction project having a construction value in excess of \$15M, and one highway reconstruction project having a construction value in excess of \$20M, and one infrastructure project which included either gantries or overhead sign structures.. The Project Manager, who should have Design-Build experience and have extensive project management experience, can hold only this one Key Personnel position. It is preferred, but not required, that this individual be licensed and currently registered as a Professional Engineer in the State of New York. The Project Manager **shall** dedicate no less than 30% of their work time to this project.
- Design Manager: Shall** be licensed and currently registered as a Professional Engineer in the State of New York, **shall** be an owner or employee of the Designer and **shall** have a minimum of 15 years demonstrated experience in managing design for infrastructure projects, preferably some of similar scope as this Project. The Design Manager should preferably have Design-Build experience, and should have specific experience on projects of similar size and type(s). The Design Manager can hold only this one Key Personnel position. The Design Manager **shall** dedicate no less than 75% of their work time to this project.
- Quality Manager: Shall** be licensed and currently registered as a Professional Engineer in the State of New York, **shall** have demonstrated experience in bridge design, highway designs, sign structure designs and preferably gantry designs and infrastructure construction with at least 10 years’ experience in quality assurance and

quality control activities, including preparation and implementation of Quality Plans and procedures for design and construction. The Quality Manager can hold only this one Key Personnel position. The Quality Manager should have experience of quality systems based on ISO 9001, and should have experience with the quality systems of the Authority and/or Department of Transportation. The Quality Manager **shall** dedicate no less than 50% of their work time to this project.

- d) **Supervisor of Resident Engineer(s)**: Shall be licensed and currently registered as a Professional Engineer in the State of New York and should have a minimum of 10 years, of demonstrated construction experience in civil works projects with experience in managing the site work of new bridge construction and highway construction and/or reconstruction projects. This individual shall have at least 7 years experience as a Resident Engineer. Experience should preferably include Design Build contracts. The Supervisor of Resident Engineer(s) can hold only this one Key Personnel position. The Supervisor of Resident Engineer(s) **shall** have performed Resident Engineer duties on a project within the last 5 years.

11.0 DESIGN-BUILDER'S RESPONSIBILITIES

The selected Design-Builder shall be responsible for furnishing all labor, material, equipment, services and support facilities for the following summary list, in addition to any other items that will be detailed fully at the RFP stage:

- Design and construction of all Project components;
- Project design and construction management;
- Support to project-related public information activities;
- Coordination with Project stakeholders, other contractors and utility owners;
- Coordination of MWBE or DBE/Local Workforce Initiative;
- Design Quality Control;
- Construction Quality Control;
- Construction Inspection;
- Laboratory Testing of Materials;
- Environmental mitigation and compliance plan including monitoring, and securing permits and approvals necessary for the work where permits were not acquired by the Authority;
- SWPPP Document preparation;
- Additional environmental investigations, permitting, monitoring and investigation associated with or resulting from the Design-Builder's actions including but not limited to staging areas, haul routes and other activities necessary for construction;
- Work zone traffic control and access to properties;
- Project safety and security;
- Surveys and geotechnical investigations;
- Harmful and hazardous materials remediation;
- Drainage and erosion control;
- Excess material disposal and handling;

- Required clearances, licenses, construction easements and permits for Design-Builder's work sites, staging areas, temporary works access, storage areas, etc., both on and off site;
- Ancillary work, such as access roads, driveways, temporary fencing, relocation of drainage, and work sites;
- Coordination and relocation of utilities and municipal drainage facilities;
- Site clearance;
- Maintenance of the Project during the Contract period; and
- Operations and maintenance manuals, as-built drawings, and records of the new construction.

12.0 CONFLICT OF INTEREST

Proposers are required to disclose known or potential conflicts of interest in their Statement of Qualifications. Because of their prior work, the following firms have been identified as having conflicts of interest that prevent their consideration for the pending project. Due to a conflict of interest based on services currently being provided that are related to this Project, Proposers may not include the services of the following firm(s):

- C.V. Associates NY
- SJH Engineering, PC
- Popli, Architecture & Engineering, L.S., DPC
- Shumaker Consulting, Engineering and Land Surveying, PC
- WSP
- Kapsch
- Adesta

Proposers utilizing firm(s) identified above will be disqualified from participating in this Project.

13.0 PROPOSAL STIPEND

Subject to the requirements and limitations set forth in the Stipend Agreement, to be included in the RFP, the Authority shall pay to each Stipend-Eligible Proposer, and the Stipend-Eligible Proposer agrees to accept as full compensation for its Work Product, an amount (the "Stipend Amount") equal to an amount not to exceed \$300,000.00, as in accordance with the provisions of the Stipend Agreement.

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**CASHLESS TOLLING
DESIGN-BUILD PROJECT**

TA 19-1, Contract No. D800002

Request For Qualifications

**APPENDIX B
FORMAT AND ORGANIZATION FOR
STATEMENT OF QUALIFICATIONS**

Date: August 21, 2018

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1.0 FORMAT AND ORGANIZATION FOR STATEMENT OF QUALIFICATIONS

The outline presented in this Appendix B shall be followed for preparing the Statement of Qualifications (SOQ). Specific content requirements for each section of the SOQ are described in the RFQ, as referenced in the outline. This format has been created to facilitate responses to the RFQ, provide efficiencies in the SOQ evaluation, and Short-List process.

The SOQ shall be submitted in two separate volumes. Each Volume shall consist of loose-leaf pages placed in a separate 3-ring binder. The inside and outside surfaces of each binder, and both sides of all dividers, shall be solid and shall contain only text with no pictures, renderings or graphics. Text shall be in a standard font, a minimum of ten points in height, single-spaced. Pages shall be 8-1/2 by 11-inch white paper with simple lettered/numbered dividers for each section/subsection. All narrative pages shall contain text only with no pictures, renderings graphics, or internet links. Single sided pages shall be used. Number each page in each section consecutively (i.e., 1-1, 1-2; 2-1, 2-2; 3-1, 3-2, etc.). Center page numbers at the bottom of each page.

Unless indicated on a specific Form, the supplied Forms are not to be altered:

- A. Photographs or external web links are not to be included in the Forms.
- B. All required information must be contained in the Form. Do not reference any other Attachments or Appendices.
- C. All headers and footers supplied with the Form must be included, and
- D. Corporate Logos are not to be inserted.

Any Form found to be altered may, at the sole discretion of the Authority, be removed from the SOQ before evaluation. All required information must be contained in the Forms.

A CD shall also be submitted, containing two separate PDF files of Volume 1 and Volume 2. The CD shall be unlocked, and not require passwords to open either of the PDF files. The CD shall be located securely in the signed original Volume 1.

1.1 VOLUME 1: ADMINISTRATIVE SUBMISSION

For Volume 1, only 1 signed original and 5 copies shall be submitted. Volume 1 shall be submitted separately from Volume 2. The signed original shall be identified as such on the cover(s) and shall be marked "SIGNED ORIGINAL". Each copy shall be identified on the cover(s) as "Copy # of 5 copies."

Volume 1 shall contain the cover letter, Form AOR, written certification from subcontractors serving on more than one proposal team (Section 1.11, and the following four sections:

- A. Section 1 – Legal
- B. Section 2 – Financial
- C. Section 3 – Backlog and Capacity
- D. Section 4 – Vendor Responsibility

Note: If submitting a printed copy of the Vendor Responsibility Questionnaire, the associated financial information included may be submitted in a sealed envelope, but must be securely attached to Volume 1, Section 4 of the SOQ.

Volume 1 Section No.	Required Information	RFQ Reference
	General: <ul style="list-style-type: none"> • Cover Letter (maximum 2 pages); and • Form AOR Acknowledgement of Receipt. • Written Certification from the Subcontractor(s). • Form TA-W3053-9 • FormTA-W2111-9 	4.4.1 1.1.1
Section 1	Legal: <ul style="list-style-type: none"> • Form L-1; • Identity of Lead Principal Participant (on Form L-1); • Percent share of each Principal Participant (on Form L-1) • Form L-3; • Additional information if JV, LLC, or partnership; • Procurement Lobbying Law Forms (2 forms); • Legal Documents; • Statement of joint and several liability. 	4.4.2.1
Section 2	Financial: <ul style="list-style-type: none"> • Surety Letters. 	4.4.2.2
Section 3	Backlog and Capacity: <ul style="list-style-type: none"> • Form B. 	4.4.2.3
Section 4	Vendor Responsibility: <ul style="list-style-type: none"> • Vendor Responsibility Questionnaire. • CCA-2 	4.4.2.4

1.2 VOLUME 2: TECHNICAL SUBMISSION

For Volume 2, one signed original and 10 copies shall be provided. Volume 2 shall be submitted separately from Volume 1. The signed original shall be identified as such on the cover(s) and shall be marked "SIGNED ORIGINAL". Each copy shall be identified on the cover(s) as "Copy # of 10 copies."

Volume 2 shall be packaged with three separate sections:

- A. Section 5 – Organization and Key Personnel
- B. Section 6 – Experience of the Firms
- C. Section 7 – Past Performance
- D. Section 8 - Demonstration, through initial approach and geographical representation of how the Design-Build Team will utilize resources to logistically deliver the statewide effort.

Volume 2 Section No.	Required Information	RFQ Reference
Section 5	Organization and Key Personnel: <ul style="list-style-type: none"> • Organization & communication structure (maximum 6 pages per D-B Team narrative, and one 11" X 17" page per D-B Team Organization & Communication Chart); and • Form R for Key Personnel; • If applicable, statement from Authority's Project Manager verifying Design is 75% complete and accepted by the Authority and/or construction work is complete for Design Manager and Quality Manager, respectively (maximum 1 page each position). 	4.4.2.5
Section 6	Experience of the Firms: <ul style="list-style-type: none"> • Form E-1 (No more than three (3) for the CI Firm(s), three (3) for the Materials Testing Firm(s) or Laboratory (Laboratories), five (5) for the Construction Firm(s) and five (5) for the Design Firm(s)). • Verification of AASHTO Certification of the Materials Testing Firm or Laboratory. 	4.4.2.6
Section 7	Past Performance: <ul style="list-style-type: none"> • Form PP (One Form PP for each project for which a Form E-1 was prepared. Each Form PP not to exceed two pages per project; • All Other Projects (not to exceed two pages for each Design-Build Team member); • Form S; • Copy of the Experience Modification Rate (EMR); and • Form MWBE/DBE. 	4.4.2.7

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Section 8	Demonstration, through initial approach and geographical representation of how the Design-Build Team will utilize resources to logistically deliver the statewide effort: <ul style="list-style-type: none">• Logistical and geographical makeup of the Design-Build Team's workforce and initial approach narrative. The narrative is limited to a maximum of 8 pages, and one 11"x17" page statewide map with geographical representations of intended work assignments.• Form AF-1• Form MAP• Form CID	4.4.2.8

Proposers should make every effort to present information clearly and concisely. Documentation that is difficult to read may be rejected and may lead to disqualification.

The information shall be easily reproducible by normal black and white photocopying machines.

SOQ's shall be in compliance with the format prescribed. Failure to do so may result in the SOQ being declared unresponsive or portions of the SOQ being removed and not evaluated for lack of compliance. These determinations are the sole responsibility of the Thruway Authority.

SOQs will become the property of the Authority. Copies of each SOQ will be retained by the Authority, after the SOQ evaluation process has been completed, for the Project files.



ALL ELECTRONIC CASHLESS TOLLING

DESIGN-BUILD PROJECT

TA 19-1, CONTRACT NO. D800002

REQUEST FOR QUALIFICATIONS

APPENDIX C

SOQ FORMS

Date: August 21, 2018

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APPENDIX C

FORMS

<u>Form AOR</u>	Acknowledgement of Receipt
<u>Form AF</u>	Affirmation of Subcontractors
<u>Form B</u>	Backlog Information
<u>Form CID</u>	Conduit of Information Disclaimer Statement
<u>Form Constructors</u>	Design-Builder's Constructors
<u>Form E-1</u>	Project Descriptions
<u>Form L-1</u>	Proposer's Organization Information
<u>Form L-3</u>	Authorization to Provide Professional Services in New York State
<u>Form MAP</u>	Geographical Workforce
<u>Form MWBE/DBE</u>	Record of Diversity Enterprises Program Experience
<u>Form PP</u>	Past Performance
<u>Form S</u>	Safety Questionnaire
<u>Form R</u>	Summary of Individual's Experience
<u>Form TA-W2111-9</u>	Certificate of Compliance with the Authority Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence.
<u>Form TA-W3053-9</u>	Disclosure of Prior Non-Responsibility Determinations
<u>VRQ</u>	State of New York Vendor Responsibility Questionnaire. (Available on the Office of the State Comptroller's Web site: http://www.osc.state.ny.us/vendrep/forms_vendor.htm). Only the Contractor should submit the Construction (CCA-2) form. All other firms should submit the standard For-Profit VRQ.

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FORM AOR

**ACKNOWLEDGMENT OF RECEIPT OF
RFQ, ADDENDA AND RESPONSES TO QUESTIONS**

(to be attached to SOQ cover letter)

NAME OF PROPOSER

We hereby acknowledge receipt of All Electronic Cashless Tolling RFQ, Dated: August 21, 2018 and subsequent responses to questions and Addenda issued by the Authority, as listed below.

Add additional lines in tables below, if needed.

Addendum number:	Date issued by Authority:

Responses to questions number:	Date issued by Authority:

SIGNED	
DATE	
NAME (printed or typed)	
TITLE	

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FORM AF-1

Affirmation of Work

I, _____ current President/Principal of
(Name)

_____, having legal authority to represent
(subcontractors firms name)

and commit the firm's resources, agree to participate as part of the workforce team

under the Design-Build team of _____, if referenced Design-Build
(Design-Build team's name)

team is selected as the Cashless Tolling Best Value designee. I further affirm that the
geographic areas that _____ would be
(Subcontractor firm's name)

Responsible for have been discussed with the above referenced Design-Build team and
we are committed to providing the necessary services and resources to address those
geographic areas.

Signature of Subcontractor (President/Principal) Date

FORM B

BACKLOG INFORMATION

Insert more rows if needed.

Form B Table 1 CONTRACTS IN FORCE						
NAME OF PROPOSER						
Proposer Entity	Name of firm	Number of contracts in force	Total contract value (US\$ millions)	Value of work remaining by year (US \$ millions)		
				2018	2019	2020
CONTRACTORS						
DESIGNERS						
CONSTRUCTION INSPECTION PROFESSIONAL ENGINEERING FIRM						
MATERIAL TESTING FIRM OR LABORATORY						

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Insert more rows if needed.

Form B Table 2 OUTSTANDING PROPOSALS and BIDS			
NAME OF PROPOSER			
Proposer Entity	Name of firm	Number of proposals / bids outstanding	Total potential value (US\$ millions)
CONTRACTORS			
DESIGNERS			

FORM CID

Conduit of Information Disclaimer Statement

I, _____ current president/principal of
(Name)

_____, having the legal authority to represent
(Subcontractor firms name)

the firm's interests, state that no employees of our firm will act as a conduit of information between competing Design-Build teams during the RFQ and/or the RFP process, as our firm is currently being considered as a subcontractor on more than one Design-Build team in the pursuit of the Cashless Tolling Design-Build project. No information shall be exchanged in any discussions by any of our firm's employees that shall undermine or compromise the integrity of the Design-Build process.

Signature of Subcontractor (President/Principal) Date

FORM E - 1
PROJECT DESCRIPTION

Complete a copy of Form E-1 for each past project, as explained in the General Instructions. Do not alter the Form, other than typing in text. Fields may be expanded to accommodate additional text, as long as completed Form is no more than two (2) pages in length. Do not include photographs or web links. NYSTA reserves the right to contact any Owner to verify the information provided.

PROPOSER					
Name of firm					
Role of firm		Contractor:		Designer:	
		Construction Inspection Engineering Firm:		Material Testing Firm or Laboratory:	
Experience (years)	Roads/Streets:		Bridges:		Utility Relocations:
DESCRIPTION OF PAST PROJECT					
Name of project					
Location					
Brief description					
Nature of work for which firm was responsible					
Past project aspects/ similarities to the Project in this RFQ					
List any awards or citations received					
Owner details (Department, Agency, Authority, etc.)		Owner Name			
		Address			
		Contact name			
		Telephone and e-mail			
		Contract Reference #			
Contract Award Date				Final Contract Value (US\$):	

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Indicate if the Project involves one or more of the following situations, if any:

- A Design-Build Project
- Construction experience for a replacement bridge structure
- Design experience for a replacement bridge structure
- Construction experience in bridge rehabilitation
- Design experience in bridge rehabilitation
- Construction experience for highway construction
- Design experience for highway construction
- Experience in the design of highway interchanges
- Construction experience in the building of Electronic Tolling Gantries
- Design experience for Electronic Tolling Gantries
- Design-Bid-Build Project with Best Value selection

FORM Constructors
Design-Builder's Constructors

Complete a copy of Form Constructors for each Contractor, as explained in the General Instructions. Do not alter the Form, other than typing in text. Fields may be expanded to accommodate additional text, as long as completed Form is no more than two (2) pages in length for each Contractor. Do not include photographs or web links. NYSTA reserves the right to contact any Owner to verify the information provided. List no more than 3 projects in the last 5 years.

Areas of Responsibilities Construction					
Design-Build Team					
Contractor Name					
Role of Subcontractor	Geographical Area of Responsibility: (A,B,S,N)		Exits/ Interchanges /Terminus:		
	Intended Work:		Percentage of work for the Geographic Area		
Experience (years)	Interstate:		Bridges:		Electronic Tolling:
DESCRIPTION OF PAST PROJECT(S)					
Name of project					
Location					
Brief description					
Nature of work for which firm was responsible					
Past project aspects/ similarities to the Project in this RFQ					
Owner details (Department, Agency, Authority, etc.)	Owner Name				
	Address				
	Contact name				
	Telephone and e-mail				

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	Contract Reference #		
Contract Award Date		Final Contract Value (US\$):	
Contract Completion Date per contact (xx/yy/zzzz)		Final Contract Completion Date (xx/yy/zzzz)	
Name of project			
Location			
Brief description			
Nature of work for which firm was responsible			
Past project aspects/ similarities to the Project in this RFQ			
Owner details (Department, Agency, Authority, etc.)	Owner Name		
	Address		
	Contact name		
	Telephone and e-mail		
	Contract Reference #		
Contract Award Date		Final Contract Value (US\$):	
Contract Completion Date per contact (xx/yy/zzzz)		Final Contract Completion Date (xx/yy/zzzz)	
Name of project			
Location			
Brief description			

New York State Thruway Authority

Nature of work for which firm was responsible			
Past project aspects/ similarities to the Project in this RFQ			
Owner details (Department, Agency, Authority, etc.)	Owner Name		
	Address		
	Contact name		
	Telephone and e-mail		
	Contract Reference #		
Contract Award Date		Final Contract Value (US\$):	
Contract Completion Date per contact (xx/yy/zzzz)		Final Contract Completion Date (xx/yy/zzzz)	

FORM PP

PAST PERFORMANCE

PROPOSER			
Name of firm			
DESCRIPTION OF PAST PROJECT			
Name of project from FORM E-1			
Contract Value as Bid: (US\$)		Final Contract Value (US\$):	
% of total work done by Firm:		Commencement date:	
Planned completion date as Bid:		Actual completion date:	
Disciplinary actions taken against?		Any dispute proceedings?	
Termination for cause or default?		Any Litigation and arbitration proceedings? (yes or no)	
Claim Amount (US\$)			
Liquidated Damages >\$25k #		Total (US\$)	
Key Personnel Change Assessment Fee #		Total (US\$)	

NARRATIVE

1) Self-Assessment:

2) Explanations:

Use the space below to explain any or all of the following situations if they occurred on the project (Form PP may be up to two pages in length per project if necessary):

- a. Final Contract Value or Expected Contract Value exceeds the Contract Value as Bid. Describe the reason(s) why the project costs were over budget.
- b. Justification of why the project is/was behind schedule.
- c. Amount of Claims is greater than \$0. Detail the number and amount of each claim.
- d. Litigation. Describe background behind litigation, current status, etc., and arbitration proceedings.
- e. Amount of Liquidated Damages greater than \$25,000. Detail the number of occurrences and amount of Liquidated Damages for each occurrences.
- f. Termination for cause or default.
- g. Disciplinary action.
- h. Key Personnel Change Assessment Fee – Detail the number of fees assessed and the total value of fees assessed to date.

2 a) Additional Details

See section 4.4.2.7 of the General Instructions for additional details required.

FORM L - 1

PROPOSER'S ORGANIZATION INFORMATION

Under the category "Other", supply names of subcontractors who will provide services other than Construction, Design, Construction Inspection, or Materials Testing, and indicate the specific service the subcontractor will provide. Add additional lines if necessary.

NAME OF PROPOSER				
Main office and contact details of Proposer				
Main office address:		Contact name		
		Title		
		Telephone No.		
		Email		
Local or regional contact details of Proposer (if different from above)				
Local/regional office address:		Contact name		
		Title		
		Telephone No.		
		Email		
NAME(S) OF PROPOSER ENTITY(IES) Insert more rows below if needed				
Proposer Entity	Name of firm	Address / Telephone / Fax	State of Incorporation	Firm's % equity share
CONSTRUCTORS				
DESIGNERS				

FORM L - 1

PROPOSER'S ORGANIZATION INFORMATION

Proposer Entity	Name of firm	Address / Telephone / Fax	State of Incorporation	Firm's % equity share
CONSTRUCTION INSPECTION PROFESSIONAL ENGINEERING FIRM				
MATERIAL TESTING FIRM OR LABORATORY				
OTHER ()				
OTHER ()				

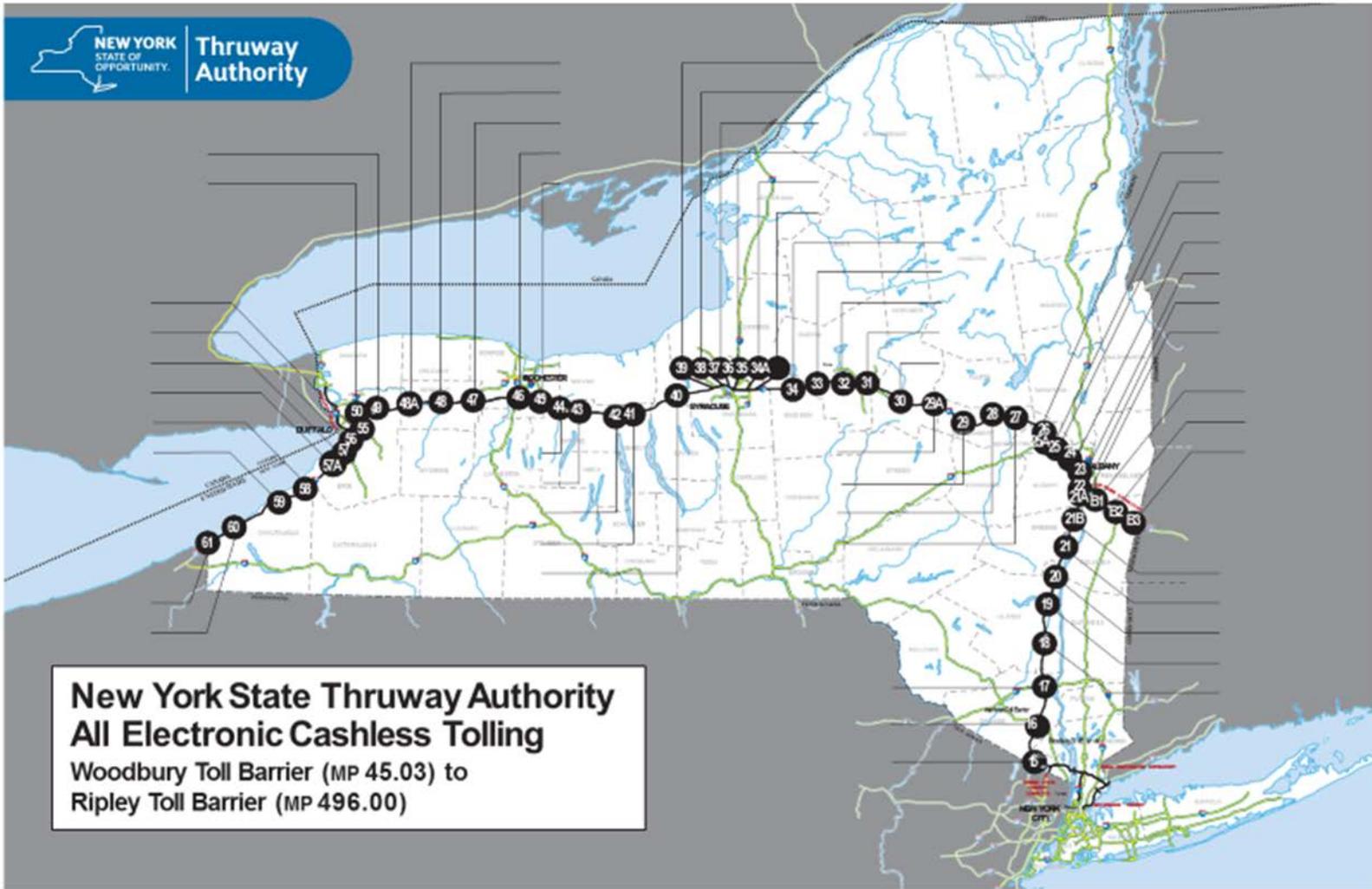
FORM L - 3

AUTHORIZATION TO PROVIDE PROFESSIONAL SERVICES IN NEW YORK STATE

NAME OF PROPOSER			
NAME OF FIRM PROVIDING DESIGN AND/OR ENGINEERING SERVICES			
EITHER (1) Copy of current Certificate of Authorization to provide Engineering Services issued by the New York State Education Department is attached.	Yes (copy attached)	No (Item (2) applies)	
OR (2) Documentation is attached to this Form L-3 demonstrating the ability to obtain Certificate of Authorization to provide Engineering Services from the New York State Education Department in accordance with the New York State Education Law, Title VIII, Articles 130, 145, 147 and 148.	Yes, documentation attached and further details are given below		
If (2) applies, give details of attached documentation demonstrating ability to obtain the relevant certification / license: (Add additional lines if required.)			

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FORM MAP



FORM MWBE/DBE
RECORD OF DIVERSITY ENTERPRISES PROGRAM EXPERIENCE

By completing the following tables, describe your firm's/team's experience in making good faith efforts to meet or exceed either contract goals concerning the use of New York State certified MWBE Enterprises, federally certified DBE Enterprises or minority-owned/women owned certified businesses by other states pursuant to statutes similar to New York State Executive Law, Article 15-A ("Diversity Enterprises") for past projects. The Design-Builder's past Diversity Enterprises experience will be evaluated based on a demonstrated record of compliance with Diversity Enterprises regulations for past contracts. Describe your firm's experience in promoting opportunities for Diversity Enterprises by completing Tables 1-5. This information should include:

- Demonstrated good faith efforts in having met or exceeded Diversity Enterprises participation goals on past contracts, preferably of similar scope.
- Demonstrated success in conducting outreach efforts/events including collaborating with local resources to allow for increased participation of small businesses including Diversity Enterprises.
- Documented system of tracking and reporting good faith efforts to solicit Diversity Enterprises proactively and ensure opportunities are communicated effectively.
- Experience coordinating and or facilitating training or mentor-protégé programs for subcontractors including Diversity Enterprises.
- Demonstrated experience utilizing a broad spectrum of Diversity Enterprises for work items and as material suppliers in operations that traditionally have been self-performed by contractors.
- A satisfactory record of integrity and business ethics as it relates in administering Diversity Enterprises program regulations.

A copy of this Form MWBE/DBE shall be completed for each Principal Participant, Constructor, Designer and Construction Inspection Professional Engineering Firm of the contract. The term "firm" includes any Affiliate including parent companies and subsidiary companies.

NAME OF PROPOSER			
NAME OF FIRM			
ROLE OF FIRM	Principal Participant:		Designer:
	Construction Inspection:		Constructor:
	Other (describe):		

Form MWBE/DBE - Table 1 RECORD OF DIVERSITY ENTERPRISES OUTREACH
Briefly provide examples of outreach efforts or events that your firm organized/developed which were used to expand the pool of available and interested Diversity Enterprises to work on contracts under your direction. Outreach examples should relate to specific highway/bridge contracts which have occurred during the most recent 5 years.

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Form MWBE/DBE - Table 2 RECORD OF DIVERSITY ENTERPRISES SOLICITATION

Briefly provide examples of effective techniques used by your firm to creatively and proactively solicit Diversity Enterprises for specific contracts under your direction. Solicitation examples should relate to Infrastructures projects which have occurred during the most recent 5 years. Include types and frequency of solicitations as well as your follow-up procedures and response expectations.

Form MWBE/DBE - Table 3 RECORD OF DIVERSITY ENTERPRISES PRACTICES

1) Describe your firm's practice of what constitutes an acceptable proposal from a Diversity Enterprises. Include specific attributes of Diversity Enterprise firms that you evaluate.

--

2) Describe your firm's approach on which work items are identified to be performed by Diversity Enterprises. Provide examples of non-traditional approaches used to find work items for Diversity Enterprises on Infrastructures projects within the most recent 5 years.

--

3) Describe your firm's experience in promoting opportunities for Diversity Enterprises through good faith efforts on contracts of similar complexity, within the most recent 5 years.

--

4) Explain your firm's past experience of subcontracting a portion of the "primary work operations" to Diversity Enterprises that your firm would normally perform with your own workforce, within the most recent 5 years.

--

Form MWBE/DBE - Table 5 RECORD OF DIVERSITY ENTERPRISES PROGRAM INTEGRITY

List all convictions, charges and/or investigations related to allegations of Diversity Enterprises fraud which have been brought against your firm or any subsidiary within the most recent 5 years. For each item listed, describe the precise reasons and circumstances which led to the charges, the outcome (if completed) and your explanation of why this happened and what your firm has done to prevent the situation from occurring again.

--

FORM S

SAFETY QUESTIONNAIRE

Form S Table 1 shall be completed by the Proposer for the Key Personnel indicated.

Form S Table 2, Items 1-8 must be completed for the Constructor(s), Construction Inspection Firm(s) and the Materials Testing Firm(s) as listed in the SOQ. Forms S, Table 2, Items 9 and 10, shall be completed for the Design Firm(s).

Form S Table 1 SAFETY QUESTIONNAIRE FOR PROPOSER						
NAME OF PROPOSER						
To be completed by the Proposer. Indicate the safety record on the most recent project to which the indicated Key Personnel were assigned.						
KEY PERSONNEL	NAME OF MOST RECENT PROJECT	Total hours by all employees on that project (hours)	Number of lost workday cases on that project (number)	Number of restricted workday cases on that project (number)	Number of cases with medical attention only, on that project (number)	Number of fatalities on that project (number)
Project Manager						
Resident Engineer						

New York State Thruway Authority

Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM							
NAME OF PROPOSER							
NAME OF FIRM							
ITEM 3							
Do you hold site meetings for supervisors?				YES:		NO:	
How often do you hold site meetings for supervisors?							
Weekly:		Twice a month:		Monthly:		Other (specify):	
ITEM 4							
Do you conduct Project Safety Inspections?				YES:		NO:	
How often do you conduct Project Safety Inspections?							
Weekly:		Twice a month:		Monthly:		Other (specify):	
ITEM 5							
Does the firm have a Written Safety Program?				YES:		NO:	
ITEM 6							
Does the firm have an Orientation Program for new hires?				YES:		NO:	
If yes, what safety items are included in the Orientation Program for new hires? (describe below)							

New York State Thruway Authority

Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM				
NAME OF PROPOSER				
NAME OF FIRM				
ITEM 7				
Does the firm have a program for newly hired construction or field services staff and newly promoted staff engaged in construction or field services?	YES:		NO:	
If yes, does the program for newly hired or promoted staff engaged in construction or field services include the following topics?				
Safety work practices	YES:		NO:	
Safety supervision	YES:		NO:	
On-site meetings	YES:		NO:	
Emergency procedures	YES:		NO:	
Accident investigation	YES:		NO:	
Fire protection and prevention	YES:		NO:	
New worker orientation	YES:		NO:	
ITEM 8				
Does the firm hold safety meetings that extend to site laborer level?	YES:		NO:	
If yes, how often do you hold safety meetings that extend to site laborer level?				
Daily:		Weekly:		Twice a month:
Other (specify):				

New York State Thruway Authority

Form S Table 2 SAFETY QUESTIONNAIRE FOR EACH FIRM				
NAME OF PROPOSER				
NAME OF FIRM				
ITEM 9				
Does the firm have a safety program and training for existing and newly hired staff for general safety and for field services?	YES:		NO:	
If yes, does the program for newly hired or promoted staff engaged in construction or field services include the following topics?				
Safety work practices	YES:		NO:	
Office Safety meetings	YES:		NO:	
Emergency procedures	YES:		NO:	
Accident investigation	YES:		NO:	
Fire protection and prevention	YES:		NO:	
New worker orientation	YES:		NO:	
ITEM 10				
Does the firm hold safety meetings prior to engaging in field activities on or near construction sites?	YES:		NO:	
If yes, how often do you hold safety meetings that extend to field activities level?				
Daily:		Weekly:		Twice a month:
				Other (specify):

Please provide the EMR for the current insurance policy: _____
 Please provide the EMR for the previous insurance policy (if required): _____
 Please provide the EMR for the previous insurance policy (if required): _____
 If the rate exceeds 1.2 for the most recent year provided, a written explanation, limited to one page, attached to this form, shall be provided and the two previous years EMRs shall be provided by the Workers Compensation Insurance Carrier. For Firms that do not have an EMR, due to work experience outside the US, a frequency rate table or accident incident rate or similar statistics shall be provided indicating the safety record over the last five years.

Each firm must all submit a letter from their current workers compensation insurance carrier stating the expiration date of the policy and the current EMR rate. The letter is to be included in Volume 2, Section 8 of the SOQ.

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FORM R
SUMMARY OF INDIVIDUAL'S EXPERIENCE

Form R shall be completed by the Proposer for the Key Personnel indicated in Section 4.4.2.5.

Add lines/pages as necessary. Under "Contact Information", provide the contact name, phone number, and e-mail address for the Project Owner. NYSTA reserves the right to contact any Project Owner to verify the information provided. "Project Owner" is not a Prime Consultant or Prime Contractor for which the Firm served as a subconsultant or subcontractor. "Project Name" should include the relevant contract number if available.

Name of Proposer:					
Name of Firm:					
Individual's Name:					
Is Applicant Licensed as a Professional Engineer in the State of New York?				Yes:	No:
NYS Professional Engineering License Number					
Education:					
Years of Experience					
Years with this Firm					
Title for this Project:					
12 Month period (beg mo - end mo)	Percentage	12 Month period (beg mo - end mo)	Percentage	12 Month period (beg mo - end mo)	Percentage
Total number of years experience meeting requirements stated in Appendix A for Title above:					
Please complete the information below to confirm the total years experience stated above					
Project Name:					
Project Owner:					
Contact Information:					
Project Cost Value					
Title on Project:					
% Qualifying time spent on Project					
Individual's Start Date on Project:		Individual's End Date on Project:		Individual's Total Time on Project *:	
Project Description:					
Individual's Duties and Responsibilities:					

New York State Thruway Authority

Project Name:					
Project Owner:					
Contact Information:					
Project Cost Value					
Title on Project:					
% Qualifying time spent on Project					
Individual's Start Date on Project:		Individual's End Date on Project:		Individual's Total Time on Project*:	
Project Description:					
Individual's Duties and Responsibilities:					
Project Name:					
Project Owner:					
Contact Information:					
Project Cost Value					
Title on Project:					
% Qualifying time spent on Project					
Individual's Start Date on Project:		Individual's End Date on Project:		Individual's Total Time on Project*:	
Project Description:					
Individual's Duties and Responsibilities:					

* Refers to the individual's time spent on the project meeting the experience required for the Title on the Design-Build project

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FORM TA-W2111-9

CERTIFICATE OF COMPLIANCE WITH THE AUTHORITY/CORPORATION GUIDELINES REGARDING PERMISSIBLE CONTACTS DURING A PROCUREMENT AND THE PROHIBITION OF INAPPROPRIATE LOBBYING INFLUENCE

To protect the integrity and fairness of the procurement process and maintain public confidence in the Thruway Authority/Canal Corporation's (Authority/Corporation) stewardship role, all Authority/Corporation procurement decisions must be based on the merits of proposals, free of any inappropriate lobbying influence. Toward that end, the Authority/Corporation has adopted Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence (TAP-335), Guidelines with which all vendors/firms/proposers must comply. A copy of these Guidelines is available in the Purchasing Services section of the Authority's website at www.thruway.ny.gov or in the Doing Business section of the Corporation's website at www.canals.ny.gov. Further, Authority/Corporation funds may not be used to reimburse a vendor/firm for its outside lobbying expenses. Authority/Corporation payments made under a contract cannot be used to pay outside lobbying costs and a vendor/firm is prohibited from seeking reimbursement of such costs.

Certification

The undersigned certifies that the vendor/firm/proposer has read, understands and agrees to comply with the Authority/Corporation Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence (TAP-335). Further, the undersigned certifies that the vendor/firm/proposer will not utilize Authority/Corporation payments made under a contract or agreement, including an amendment, extension, renewal or change order to an existing contract, to pay outside lobbying expenses and will not seek reimbursement of such costs. The undersigned also certifies that he or she is authorized to bind the vendor/firm/proposer contractually.

_____	_____
Contract No.	Description
_____	_____
Vendor/Firm Name	Telephone No.
_____	_____
Print Name	Title
_____	_____
Signature	Date

FORM TA-W3053-9

**New York State Finance Law Sections 139-j and 139-k
Disclosure of Prior Non-Responsibility Determinations**

Contract/Project/Transaction Description:

Contract # (if applicable): _____ Date: _____

Name of Offerer/Applicant: _____

Address: _____

Name and Title of Person Submitting this Form
(if different from above): _____

Has any governmental entity* made a finding of non-responsibility regarding the Offerer/Applicant in the previous four years where:

the basis for the finding of the Offerer/Applicant's non-responsibility was due to a violation of State Finance Law Section 139-j? No Yes

the basis for the finding of the Offerer/Applicant's non-responsibility was due to the intentional provision of false or incomplete information to a governmental entity? No Yes

If yes, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-responsibility (attach additional sheets if necessary):

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law Section 139-k is complete, true and accurate.

By: _____
Signature

_____ Date

_____ Name (please print)

_____ Telephone No.

_____ Title

New York State Thruway Authority

* A "governmental entity" is: (1) any department, board, bureau, commission, division, office, council, committee or officer of New York State, whether permanent or temporary; (2) each house of the New York State Legislature; (3) the unified court system; (4) any public authority, public benefit corporation or commission created by or existing pursuant to the Public Authorities Law; (5) any public authority or public benefit corporation, at least one of whose members is appointed by the Governor or who serves as a member by virtue of holding a civil office of the State; (6) a municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of the Legislative Law; or (7) a subsidiary or affiliate of such a public authority.

For engineering agreements and construction contracts, submit this form to the Department of Engineering, 200 Southern Blvd., Albany, 12209. All other form submissions should be forwarded to the address listed on the solicitation material or application.

If you have any questions, please call the contact person listed on the solicitation material or application.

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ALL ELECTRONIC CASHLESS TOLLING

DESIGN-BUILD PROJECT

TA 19-1, Contract No. D800002

REQUEST FOR QUALIFICATIONS

APPENDIX D

ABBREVIATIONS AND DEFINITIONS

Date: August 21, 2018

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APPENDIX D TO REQUEST FOR QUALIFICATIONS

This RFQ includes abbreviations and specific defined terms as indicated below.

1.0 ABBREVIATIONS

CM	Construction Manager
CQAE	Construction Quality Assurance Engineer
CQCE	Construction Quality Control Engineer
DB	Design-Build
DBE	Disadvantaged Business Enterprise
DQAE	Design Quality Assurance Engineer
DQCE	Design Quality Control Engineer
DM	Design Manager
FHWA	Federal Highway Administration
IA	Independent Assurance
JV	Joint Venture
MWBE/DBE	Minority/Women/Business Enterprise/Disadvantaged Business Enterprise
N/A	Not Applicable
NEPA	National Environmental Policy Act
NYSDOT	New York State Department of Transportation
NYSTA	New York State Thruway Authority
PI	Public Information
PM	Project Manager
QA	Quality Assurance
QC	Quality Control
QM	Quality Manager
RE	Resident Engineer
RFP	Request for Proposals
RFQ	Request for Qualifications
ROD	Record of Decision (State & Federal)
ROW	Right(s)-of-Way
SEQR	State Environmental Quality Review
SOQ	Statement of Qualification

2.0 DEFINITIONS

“Addenda/Addendum” means written supplemental additions, deletions, and modifications to the provisions of the RFQ issued by the Authority, after the date of issuance of the RFQ.

“Advertisement” means a public announcement inviting prospective Proposers to be aware of an RFQ and to respond by submitting an SOQ. The Advertisement shall include a brief description of the Work proposed to be the subject of the procurement, with an announcement where the RFQ may be obtained, the terms and conditions under which SOQs will be received, and such other matters, as the Authority may deem advisable to include therein. (Usually the advertisement is in the form of Notice of Intent (NOI))

“Affiliate” means:

- A) Any Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Proposer or any Principal Participant.
- B) Any Person for which 10% or more of the equity interest in such Person is held directly or indirectly, beneficially or of record, by the following:
 - 1) The Proposer;
 - 2) Any Principal Participant; or
 - 3) Any Affiliate under part (A) of this definition.

For purposes of this definition, the term “control” means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

“Authority” means the New York State Thruway Authority (NYSTA).

“Clarifications” means a written exchange of information that takes place between a Proposer and the Authority during the SOQ or proposal process. The purpose of Clarifications is to address minor ambiguities omissions, errors or mistakes and clerical revisions in an SOQ, or an RFP.

“Conflict of Interest” means that a Person or organization: (1) had or has relations with Persons: (2) engaged or is engaging in activities; or (3) performed or is performing services for NYSTA or another entity concerning the Project or a related project, that afford such Person or organization with a competitive advantage or that might otherwise impair the Person or organization’s objectivity, or that render such Person or organization unable, or potentially unable, to render impartial assistance or advice on the Project.

“Construction Inspection (CI)” means to inspect all construction operations and to enforce all safety measures (for employees and the traveling public) performed by the Design-Builder to ensure conformance with the contract documents. This includes performing daily inspection and testing activities in accordance with all the requirements set forth in Authority policies, manuals, engineering bulletins, and engineering instructions and specifications; preparation of applicable MURK forms; preparation of monthly estimates; monitoring compliance to safety procedures, including fall protection and work zone traffic control (WZTC) requirements; monitoring compliance to environmental requirements. Construction Inspection also includes Contract

Administration functions including, but not limited to keeping required records, monitoring the DB Contractor's progress, monitoring certified payroll compliance and processing of payments, monitoring adherence to Equal Opportunity and Labor requirements contained in the contract, taking measurements as required for payment, and maintaining a contemporaneous project diary-documenting conformance with the contract documents. The Scope of Work to be performed as part of the Construction Inspection task may be modified after the RFQ Phase.

“Construction Inspection Professional Engineering Firm” means an independent Engineering firm, licensed in New York State to perform Engineering Services and having experience in Construction Inspection as defined herein. This firm shall be included as part of the Proposer's team during the RFQ and RFP Phase and shall be hired by the Design-Builder to perform Construction Inspection for the Project.

“Construction Quality Assurance Engineer” means the Authority's representative with primary responsibility for monitoring and/or auditing the Design-Builder's construction and environmental field activities for compliance with the Contract's requirements and the Design-Builder's Quality Control Plan.

“Construction Quality Control Engineer” means the Design-Builder's designated representative who leads the Construction QC activities. The Construction QC Engineer, or his/her designees, shall be delegated the authority to actively monitor the quality of materials and workmanship and to make necessary improvements to the quality of Work, including the suspension of the work if required.

“Construction Subcontractor” means a subcontractor retained by the Design-Build Team that will be responsible for portions of the construction of the Project. The subcontractor was not originally identified during the RFQ process and does not contribute to the evaluation scoring of the DB team.

“Constructor” means a Principal Participant or contractor retained by the Design-Builder, who is involved in the actual construction of the Project. The Constructor was identified in the RFQ process and is considered part of the DB Team. While having practically no equity interests, this Constructor did provide value in the scoring of the DB Team.

“Contract” means the written agreement between the Authority and the Design-Builder setting forth the obligations of the parties with respect to the Project, including, but not limited to, the performance of the Work, the furnishing of labor and materials, and the basis of payment, and including all provisions required by law to be inserted in the Contract whether actually inserted or not. The Contract will include the Contract Documents and any amendments, supplemental agreements and Change Orders that are required to complete the design and construction of the Work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

“Contract Documents” means the documents identified as such in the Contract, including all provisions required by law to be inserted in the Contract whether actually inserted or not.

“Deficiency” means a material failure of an SOQ or RFP proposal to meet the Authority's requirements or a combination of significant Weaknesses in an SOQ or RFP proposal that increases the risk of unsuccessful Contract performance to an unacceptable level.

“Design-Build (DB)” means a Project delivery methodology by which a single firm has responsibility for the design and construction of the Project under a single contract with the Authority.

“Design-Builder” means the Person/Firm(s)/Joint Venture selected pursuant to the RFP that enters into the Contract with the Authority to design and construct the Project.

“Design-Build Team” means the Constructor(s), Designer(s), Construction Inspection Professional Engineering Firm(s), and Materials Testing Firm(s) or Laboratory. These entities form the Design-Build Team and do not constitute subcontractors to one another.

“Design Manager” means the Design-Builder’s designated person who shall have primary responsibility for coordination and oversight of the all the Project Designs including design plans, calculations, and specifications. He/She shall be a registered Professional Engineer in the State of New York.

“Design Quality Assurance Engineer” means the Authority’s representative with primary responsibility for monitoring and/or auditing the Design-Builder’s design and engineering activities for compliance with the Contract requirements and the Design-Builder’s Quality Control Plan.

“Design Quality Control Engineer” means the person appointed by Design-Builder who reports directly to the Design-Builder’s Quality Manager and is responsible for the QC of all Work conducted by the Designer. The Design QC Engineer shall be a New York-licensed professional engineer with similar experience as the Design Manager. The Design QC Engineer shall ensure that checkers are assigned for each design discipline and for each Design Unit and they are properly scheduled, and that the design protocol is following the Quality Plan provided by the Design-Builder and approved by the Authority.

“Designer” means a Principal Participant or other entity, licensed in New York State to perform Engineering Services and having experience in bridge and/or highway and/or infrastructure design, which has the primary responsibility for design services for the Project. This entity shall be included as part of the Proposer’s team during the RFP Phase and shall be hired/employed by the Design-Builder to perform design services for the Project.

“Disadvantaged Business Enterprise (DBE)” means a for-profit, small business concern as defined pursuant to Section 3 of the federal Small Business Act (Public Law 85-536, as amended) and Small Business Administration regulations implementing it (13 CFR Part 121) that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it, which meets the definitions set forth in 49 Code of Federal Regulations (CFR) 26.

“Dispute” means a matter of Contract performance or Contract compensation, including granting of extensions of time, in which there is or may be disagreement between the Design-Builder and the Authority and which may involve adjustment of Contract Items or the addition of new items to the Contract, extension of time for performance, and/or adjustments in compensation necessitated by the resolution of such disagreement.

“Equity Participant” means any Person holding (directly or indirectly) a 15% or greater interest in the Proposer.

“Executive Director” means the Executive Director of the New York State Thruway Authority.

“Independent Assurance (IA)” means activities that are undertaken in accordance with 23 CFR 637.203(a)(2), providing an unbiased and independent evaluation of all the sampling and testing procedures, equipment calibration, and qualifications of personnel (Design-Builder’s or Authority’s) used in the Acceptance Program, including the Design-Builder’s QC. The Independent Assurance (IA) agent for the Project will be designated by the Authority.

“Lead Principal Participant” means the Principal Participant that is designated by the Proposer as having the lead responsibility for managing the Proposer’s organization.

“Materials Testing Firm or Laboratory” means an independent testing firm or Laboratory having experience in performing Quality Control activities as defined herein. This firm shall be included as part of the Proposer’s team during the RFQ and RFP Phase and shall be hired by the Design-Builder to perform Quality Control sampling and Testing activities for the Project. The Materials Testing Firm or Laboratory shall report to the Construction Inspection Professional Engineering firm.

“Person” means any individual, firm, corporation, company, sole proprietorship, limited liability company (LLC), joint venture, voluntary association, partnership, trust, unincorporated organization, or other legal entity.

“Principal Participant” means any of the following entities:

- A) The Proposer;
- B) If the Proposer is a partnership, joint venture, or limited liability company, any general partner or any member of the partnership, joint venture or LLC; and/or
- C) Any Equity Participant.

“Project” means the improvements to be designed and constructed by the Design-Builder and all other Work product to be provided by the Design-Builder in accordance with the Contract Documents.

“Project Manager” means the Design-Builder’s designated representative responsible for all aspects of the Work, including construction oversight, design oversight, project finances, project scheduling, etc. Disputes regarding design or construction that cannot be resolved with the designer or in the field will be brought to the attention of the Design-Builder’s Project Manager for resolution.

“Project Superintendent” means the Design-Builder’s on-site designated representative who oversees the construction of the Design-Build Contract, including directing and coordinating the activities of the Design-Builder’s workforce and all subcontractors, ensuring that the work progresses according to schedule, and ensuring that material and equipment are delivered to the site on time, etc.

“Proposal” means the document submitted by the Proposer in response to the RFP, including any revisions thereto. If the RFP requests submittal of best and final offers, the term ‘Proposal’ means the best and final offer submitted by the Proposer, including any revisions thereto.

“Proposer” means a Person submitting a Statement of Qualifications for the Project in response to this RFQ. In the context of responses to the RFP, the term means a firm on the Short-List that submits a Proposal.

“Quality Assurance (QA)” means all planned and systematic oversight actions by the Authority necessary to provide confidence that the Design-Builder is performing QC in accordance with the Quality Control Plan, that all Work complies with the Contract and that all materials incorporated in the Work, all equipment, and all elements of the Work will perform satisfactorily for the purpose intended. Quality Assurance includes, but is not limited to, monitoring and verification of design through auditing, spot-checking and participation in the review of the design, and monitoring and verification of construction, manufacturing/process facilities and equipment, on site equipment and QC documentation through auditing, spot inspections and Verification Sampling and Testing at production sites and the Project Site. Quality Assurance also includes Independent Assurance, consultation and provision of written comments by the Authority, documentation of QA activities, final inspection and final acceptance. The Scope of Work to be performed as part of the Quality Assurance task may be changed after the RFQ Phase.

“Quality Assurance Program” means the overall quality program and associated activities including the Authority’s Assurance, Design-Builder’s Quality Control, the Contract’s quality requirements for design and construction to assure compliance with Authority Specifications and procedures.

“Quality Control” means the total of all activities performed by the Design-Builder, Designer, Construction Inspection Professional Engineering Firm and the Materials Testing Firm or Laboratory, subcontractors, producers or manufacturers to ensure that the Work performed by the Design-Builder conforms to the Contract requirements. For design, Quality Control activities shall include, but not be limited to, procedures for design quality, checking, design review including reviews for constructability, and review and approval of Working Plans. For construction, Quality Control activities shall include, but not be limited to, procedures for materials handling and construction quality, inspection, sampling and testing of materials both on site and at the plant(s), field testing of materials, obtaining and verifying Materials Certifications, record keeping, and equipment monitoring and calibration, production process control, and monitoring of environmental compliance as well as Civil Rights compliance. Quality Control also includes documentation of all QC design and construction efforts. The Scope of Work to be performed as part of the Quality Control task may be changed after the RFQ Phase.

“Quality Control Plan” means the Design-Builder’s plan for implementing the Design-Builder’s overall quality program and associated activities, including Design-Builder’s QC and procedures to assure and document quality of design and construction activities through reviews, inspections, testing, internal communications, and necessary interfaces with the Authority and the Authority’s QA activities.

“Quality Manager” means the individual identified by the Design-Builder who is responsible for the overall Quality Control program and Quality Control activities of the Design-Builder, including the quality of management, design and construction. (Also referred to as the “Quality Control Manager”).

“Reference Documents” means the documents provided with and so designated in the RFP. The Reference Documents, including Plans contained therein and/or so designated, are not Contract Documents and were provided to the Design-Builder for informational purposes only and are relied upon at the Design-Builder’s own risk.

“Request For Proposals (RFP)” means a written solicitation issued by the Authority (and as amended by any Addenda) seeking Proposals (including quality and price) to be used to identify the Proposer offering the best value to the Authority. The RFP will be issued only to Persons who are on the Short-List.

“Request For Qualifications (RFQ)” means the written solicitation, including all Addenda thereto, issued by the Authority seeking SOQs in order to identify and Short-List the Proposers to receive the RFP for the Project.

“Resident Engineer” means a qualified individual as specified in the RFQ/RFP, who directs the organization and provides for coordination of the inspectors and the on-site Construction Quality Control inspection of the execution of the construction by the Design-Builder. He/She ensures that the construction is executed in accordance with the approved designs, drawings and specifications related to the work under construction.

“Resource Provider” means the Individual to be specified by the Proposer who has full authority to move resources (personnel and equipment) to advance this Project on schedule, potentially drawing from other ongoing competing work. The Resource Provider should have broad oversight of all construction operations, procurement of equipment and materials, and the assignment of personnel.

“Short-List” means the list of Persons that the Authority determines are the best, highly qualified potential Design-Builders for the Project, based on an evaluation of the SOQs submitted by such Persons.

“Statement of Qualifications (SOQ)” means the information prepared and submitted by a Proposer in response to this RFQ.

“Strength” means a feature or aspect of the SOQ or RFP proposal that exceeds the minimum requirements of the RFQ or RFP and increases the chance of successful Contract performance. A significant Strength in the SOQ or RFP proposal is a feature or aspect that exceeds the minimum requirements of the RFQ or RFP and increases the chance of successful Contract performance.

“Verification Sampling and Testing” means sampling and testing performed by the Authority, or by a firm retained by the Authority, to validate the Design-Builder’s QC sampling and test data that was used in the acceptance decision.

“Weakness” means a flaw in the SOQ or RFP that increases the risk of unsuccessful Contract performance. A significant Weakness in the SOQ of RFP is a flaw that appreciably increases the risk of unsuccessful Contract performance.

“Work” means all of the administrative, design, engineering, utility support services, procurement, legal, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, equipment, maintenance, warranty, documentation, and other duties and services to be furnished and provided by the Design-Builder

as required by the Contract Documents, including all efforts necessary or appropriate to achieve final acceptance of the Project and to fulfill the Design-Builder's warranties. In certain cases, the term is also used to mean the products of the Work.

“Workforce Team” means the Constructor(s) from the Design-Build Team and Subcontractors identified during the RFQ/SOQ process as resources to ensure deliverability of the project.

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